

Vision Americas Registration No. 5907

VA Name: Roger F. Noriega

Name of principal or Staff Contacted: Staffer Maggie Fleming, Senator Brownback

Form of contact (phone, email, meeting): Email

Discussion Notes: Roger F. Noriega sent an email to Maggie to try to persuade Senator Brownback to cosign a letter with Senator Harkin concerning the conditions of the Sahrawi refugee camps. He included 4 attachments—1) Letter to Senator Brown Back 02 27 09, 2) UNHCRIG\_WFP\_Reports, 3) USCRI\_Algeria\_2007\_Survey[1], 4) USCRI\_World\_Survey\_2008. Ms. Fleming wrote back and requested a copy of the letter. In his response he included 1 extra attachment for a total of 5 attachments—1) Draft\_Refugee\_Rights\_Letter\_to\_State, 2) Letter to Senator Brown Back 02 27 09, 3) UNHCRIG\_WFP\_Reports, 4) USCRI\_Algeria\_2007\_Survey[1], 5) USCRI\_World\_Survey\_2008.

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**URGENT REQUEST for Senator Brownback's attention to human rights of Sahrawi refugees...** Inbox X

Roger Noriega to Maggie\_fleming show details Feb 27 Reply

Dear Ms. Fleming:

I haven't visited with you in the past, but I'm a friend and contact of Senator Brownback since his House days and from Kansas.

I left you a voice mail about the issue addressed in the attached letter to Senator Brownback and supporting material.

We're hopeful that the Senator will cosign a letter with Senator Harkin on the dire conditions in Sahrawi refugee camps, which are ignored completely in the State Department's annual human rights report.

I hope we can speak about this soon.

Thanks for your consideration.

Ambassador Roger F. Noriega  
cellular: 202-351-1348

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Roger Noriega Keep an eye out for this sort of communication for our FARA report Feb 27

Roger Noriega Ms. Fleming: Thanks very much for your note. This is something that we Mar 6

Fleming, Maggie (Brownback) to Roger, Ted, me show details Mar 6 Reply

Ambassador.

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**From:** Roger Noriega [mailto:rfnvision@gmail.com]  
**Sent:** Friday, March 06, 2009 8:48 AM  
**To:** Fleming, Maggie (Brownback)  
**Cc:** Ted Brennan; Alana Prahm  
**Subject:** Re: URGENT REQUEST for Senator Brownback's attention to human rights of Sahrawi refugees...

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Roger Noriega to me

for FARA report.

----- Forwarded message -----

From: Roger Noriega <invision@gmail.com>  
 Date: Fri, Mar 6, 2009 at 8:56 AM  
 Subject: Re: URGENT REQUEST for Senator Brownback's attention to human rights of Sahrawi refugees...  
 To: "Fleming, Maggie (Brownback)" <Maggie\_Fleming@brownback.senate.gov>

Here is my original correspondence, draft letter, and supporting documents. Thanks!

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Ambassador Roger F. Noriega

**5 attachments** — [Download all attachments](#)

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Dear Secretary Clinton,

In our capacity as Senate Co-Chairs of the Human Rights Caucus, we are writing to express our deep disappointment and serious concern about the way the State Department's just released 2008 human rights reports on Morocco, the Western Sahara, and Algeria utterly fail to address the serious violations of the human rights of the Sahrawi refugees being warehoused in the camps in southern Algeria.

The 1951 United Nations Refugee Rights Convention, the 1967 Protocol, and the various Conclusions, Findings and Recommendations of the Executive Committee of the United Nations High Commission for Refugees (EXCOM) establish a well defined list of rights and obligations imposed on signatory countries with respect to their legal obligations to protect the fundamental human rights of refugees.

The human rights report on the Western Sahara makes no mention of the precarious circumstances and the routine violations of the rights of the refugees being warehoused in the camps in Algeria. Indeed, there is no mention of the camps at all in the report. It is as if the camps simply did not exist. The report on Algeria only notes in passing that the Government of Algeria has failed repeatedly to allow UNHCR to conduct a census of the camps' populations and provide the individual documentation on the refugees as required under international law. It makes no mention of Algeria's many other failings to protect the full scope of other well established refugee rights. Nor does it mention the complicity of the Polisario Front, which claims to represent these refugees, in their failure for more than 30 years to ensure that the refugees' rights are observed as stipulated in international law.

This kind of gross disregard for the rights of refugees, both in terms of publicly exposing the violations in such highly regarded official human rights reports, as well as failure to pursue the protection of these refugees' rights through more vigorous diplomacy and advocacy, undermines the rights of refugees, and other human rights more generally, everywhere. These refugees are among the most exposed and vulnerable populations in the world and they deserve more and better from the United States as an advocate for their rights in such reports and in our actions with other states and international organizations which have primary responsibilities for the protection of these peoples.

We have always admired your personal commitment to human rights issues and we hope you will ensure that the State Department takes

active steps to address the rights of these refugees who have now been warehoused for more than three decades years and who need our assistance to ensure the protection of their rights under law. We look forward to working with the State Department under your leadership to ensure that this kind of neglect of important refugee rights is quickly reversed and that vigorous advocacy for these vulnerable populations becomes a signal feature of America's new diplomacy.



AMBASSADOR ROGER F. NORIEGA  
VISION AMERICAS LLC  
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WASHINGTON, DC 20005  
202-885-9621  
202-351-1348 (C)

February 27, 2009

The Honorable Sam Brownback  
United States Senator  
303 Hart Senate Office Building  
Washington, DC 20510

Dear Senator Brownback:

Hope all is well and that we have the opportunity to see each other soon!

Wonder if I can ask your attention to a matter of interest to Morocco, a client of mine. As you know, the dire plight of Sahrawi refugees is a central concern behind Morocco's push for a negotiated solution to the Western Sahara issue. It is absolutely essential that the international community understands the serious violations of universally recognized human rights that occur in the camps in southern Algeria – in order to keep up momentum behind the UN-sponsored negotiations.

For that reason, we are very concerned that the recent 2008 State Department annual human rights report completely ignores this issue – omitting reference to these serious violations in each of the three chapters that might have addressed them. As a veteran of the Department, I am in no hurry to criticize my former colleagues there, but this omission is egregious, and the record should be corrected. The attached reports of international human rights groups illustrate the seriousness of these violations – of which our State Department should be well aware.

In your capacity as Co-Chairman of the Senate Human Rights Caucus, we hope you will consider co-signing a letter with Senator Harkin to Secretary of State Clinton expressing concern regarding this issue. A draft letter also is attached for your consideration.

I hope to speak with Maggie Fleming on this matter soon, but I ask that you give the issue some of your valuable time.

Thanks in advance for your time!

Sincerely,



# World Food Programme

## Memorandum

CONFIDENTIAL

23/05/2005

To: James T. Morris  
Executive Director  
(Executive Summary only)

Through: Adnan S. Khan  
Inspector General, Director Oversight  
Services Division, OSD

From: Vernon Archibald  
Senior Inspections and Investigations Officer, OSDI

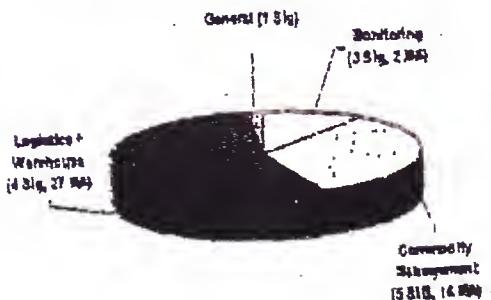
Ref. num: OSDI/592/05

Subject: REPORT OF INSPECTION: WFP ALGERIA (3 to 17 MARCH 2005)

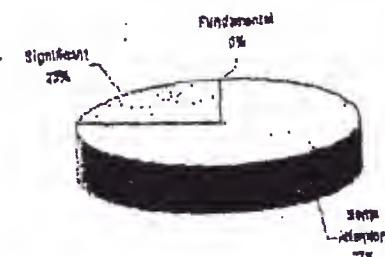
### EXECUTIVE SUMMARY

#### MODERATE IMPROVEMENTS NEEDED

##### Findings by Functional Area



##### Findings by Risk Severity



The inspection was limited to logistics, commodity management, and programming between Jan 04 and Feb 05. It did not include verification of refugee numbers. The inspection took place at the same time as a review mission from the Office of Inspector General (IGO) UNHCR. The two missions were independent but coordinated.

The inspection noted a number of weaknesses in controls and management practices within both the logistics chain and distributions, and concludes there is a risk of objectives not being achieved. However, it must be noted that the staffing of the Sub-Office in Tindouf has recently been enhanced with the addition of a Logistics Officer (PO), two Food Aid Monitors (G-5) and two drivers. The CO had therefore already begun to review some of

Cc: Graisse (Executive Summary only)  
Powell (Executive Summary only)  
Stayton (Executive Summary only)

Morton  
Darnes  
Anyanful  
(above with Annexes)

the weaknesses noted in this report and takes corrective action, especially with regard to increased monitoring in the camps.

### Background

The current two year PRRO 10172, I was an expansion of the previous PRRO and commenced on 1 Sept 04. It assists 158,000 beneficiaries and has a budget of approximately \$40 million. Although the funding of the previous PRRO was only 69% of requirement, and both PRROs were operational in 2004, the actual amount of food programmed to meet targets in 2004 was 32,773 MT. This figure coincides with the amount which CRA reported as being distributed. It can therefore be concluded that the amount of food distributed in 2004 was sufficient to feed the planned caseload figures. The difference between the actual funding received by WFP (69%) and the full distribution achieved may have been partially made up by bilaterals (9% in 2004), by loans from the ECHO bufferstock, or by not meeting planned distributions in 2003.

In this regard, it should also be noted that Standard Project Reports (SPR) for 2003 and 2004 confirm that the actual number of beneficiaries reached was 100% of the planned number and the actual nutritional intake exceeded the target in both PRRO's by a small percentage. The PRRO document submitted to the Executive Board in 2004 stated that the target distribution was being met.

### Major Findings

**1. Formal Agreements.** Croissant-Rouge Algerien (CRA) is WFP's implementing partner in Algeria. CRA implements the logistics from the port to the beneficiaries. At the EDP CRA sub-contracts to Croissant-Rouge Saharaoui (CRS) – the beneficiaries – for warehousing, secondary transport, and distribution. At the time of the OSDI mission there was no formal agreement between the CO and CRA, nor between the CO and the Government, as both had expired with the previous PRRO on 31 Aug 04.

In addition, in accordance with the global memorandum of understanding with UNHCR, the management of food aid for refugees falls under UNHCR's responsibility as soon as it leaves the warehouse. The division of responsibilities concerning monitoring should be included in a country level agreement between UNHCR and WFP, but unfortunately there has never been such an agreement.

The lack of the agreements, particularly with UNHCR locally, leads to confusion over control and must be addressed.

**2. Port and Primary Transport.** Some weaknesses were noted in operations at the port in Oran and transport between Oran and the EDP. The transit time from Oran to the EDP should be a maximum of five days, but OSDI noted that 39 trucks spent an average of 25 days in transit. OSDI recommends that the CO investigate these delays and rigorously monitor transit times in future. Though these weaknesses were considered significant, OSDI did not find a pattern which could result in a major cause for concern in port operations and primary transport.

**3. Warehouse Operations.** In 2003 a Logistics Officer from WFP Chad spent six months improving warehouse operations. Visits to the warehouse were also made by the Regional Logistics Officer in 2002 and 2003 and by the Chief of ODTL in 2002. In spite of these visits and their recommendations, many significant weaknesses were still evident in the

controls were virtually non-existent.

OSDI recommends that the CO assume responsibility for management of the warehouse and that a new warehouse is established close to the SO in Tindout. Pending this, the CO must bring existing warehouse arrangements up to an acceptable level. Again though the issues raised were individually of concern no overall pattern was detected by OSDI which would indicate significant diversions.

**4. Secondary Transport, Distribution & Monitoring.** Although these are UNHCR responsibilities, OSDI noted a pattern of significant issues in these areas which made verification difficult and could facilitate diversion. This combined with CRS - the beneficiaries - being responsible for the warehouse management, secondary transport, and food distribution is considered an undesirable state of affairs. OSDI recommends the CO not only urgently address these issues with UNHCR, but also take corrective measures to enhance WFP verifications and control.

a) **Secondary Transport.** Despite the fact that the refugee camps are situated close to the EDP - 3 no more than 50km - secondary transport took up to 4 weeks, reportedly due to an aging fleet and frequent breakdowns. In addition, OSDI noted that for more than 50% of the commodities waybills were not available. Although UNHCR has responsibility for distribution they are not taking the lead in obtaining the waybills and checking against food distributions. It is commendable that the WFP SO has assumed this role. Nevertheless there was minimal evidence of the SO taking follow-up action with either UNHCR, CRA or CRS regarding discrepancies.

OSDI considers these secondary transport issues as significant control failures and recommends that the CO ensure that UNHCR addresses the transport problems, assumes the responsibility for checking distributions against waybills and for taking necessary follow-up action.

b) **Distribution Monitoring.** Although UNHCR is also responsible for primary distribution monitoring, it was reported that this has not been done since 2001. In addition, as the Saharaoui leadership has refused to allow verification or registration of refugees, ration cards are not in use, and refugees do not sign for receipt of food.

OSDI considers this a fundamental control weakness of UNHCR and recommends that the CO work with UNHCR to find a solution.

c) **Oversight.** Regular WFP "verification" monitoring and reporting only commenced in the camps in Feb 05. Monitoring records for 2003 are virtually non-existent and in '04 there is evidence of only 11 visits. In the PRRO document presented to the EB, it states that WFP would pay particular attention to the end use of its commodities, and would regularly oversee distribution in the camps. This is echoed in the SPRs for 2003 and 2004.

OSDI considers that the amount of monitoring by both UNHCR and verification by WFP has been unacceptably low. The CO must ensure that this situation is reversed.

Finally, the current CD visited Tindout on only one occasion since he became CD in August 2004, citing non-acceptance of his credentials until January 2005. OSDI recommends that the CD visit the SO, camps and warehouse more frequently, and at least on a monthly basis.

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### ANNEXES (Available upon request)

- Annex A: Transit Time of Trucks
- Annex B: Food Distributed in 2004
- Annex C: Action Plan – Logistics
- Annex D: Action Plan – Warehouse
- Annex E: Commodity Management
- Annex F: Monitoring
- Annex G: General

## **I. BACKGROUND**

### **(i) Context of the PRRO**

1. Since 1975, tens of thousands of West Saharan refugees have taken refuge in temporary camps in Algeria in the desert in the southwest part of the country. For almost ten years, between 1975 and 1984, the Algerian Government sustained the burden of the aid to the refugees, with some help from other countries. In the mid-1980s the international community and the United Nations were requested by the Algerian Government to provide relief assistance to the refugees. WFP has assisted the Government of Algeria in meeting the basic nutritional needs of the refugees since 1986.
2. The current PRRO 10172.1 began on 1 September 2004 and is an expansion of the previous PRRO 10172.0 which is a continuation of previous ones that preceded it. PRRO 10172.0 was assisting 155,430 beneficiaries. This number is based on figures established by MINURSO<sup>1</sup> in the repatriation planning of the refugees to Western Sahara carried out in 2000.
3. PRRO 10172.1 is assisting 158,000 beneficiaries and according to the PRRO document presented to the EB: "WFP and UNHCR carried out a population assessment during their mid-term evaluation in September 2003. Using child vaccination and primary school attendance records together with the list of eligible voters compiled by MINURSO, they concluded that the total number of refugees was closer to 158,000". Donors also participated in this assessment. The host government sent a note verbal to WFP in February 2004 requesting WFP to assist 157,821 refugees. The figure of 158,000 is rounded off from 157,821.
4. The key strategic goal of the PRRO is to ensure the timely delivery of basic food commodities to sustain the livelihood of the refugee camp population, and to contribute to the improvement of nutritional status of at risk children and women suffering from malnutrition. The budget of the current PRRO totals \$40,288,335 representing 69,168 MT.

### **(ii) Quantities of Commodities and the Food Basket**

5. The current PRRO includes the following commodities:

	MT
Canned fish	270
Cereals and grains	51,903
High energy biscuits	425
Iodised salt	577
Oils and fats	1,047
Pulses and vegetables	7,728
Sugar	3,583
Wheat-soya blend (wsb)	1,835
<b>Total Approved Commodities</b>	<b>69,168</b>

6. These commodities are meant to provide 1,100 Keais per person per day. The PRRO targets the entire refugee population as they all face the same critical food shortage and dependency on food aid and other basic humanitarian assistance for their livelihood and survival. There is no targeting with regards to basic food distributions. All the beneficiaries receive the same food basket.
7. Conscious of the recurrent food shortages and delays in deliveries which plagued the PRRO in prior years, a consultation meeting between ECHO and WFP/UNHCR was held in February 2001 to come up with an arrangement that would minimise the food shortages in the camps during an eventual breakdown of the food supply pipeline. ECHO agreed to establish a three month buffer stock of 8,100 tons of basic food commodities to serve as a "revolving fund" and a last resort window from which borrowings could be effected by WFP under stringent conditions. The first of such borrowings was approved by ECHO in June 2001. Other borrowings have been effected since then with a total of 31 borrowings representing 22,500 MT taking place in 2004.
8. Bilateral donations of food to the refugees amounted to approximately 3,200 MT in 2004. These donations were included in the monthly food release notes (FRN's). The bilateral donations represented approximately 9 % of food distributed in 2004. CRA informed OSDI that there has never been an annual plan of donations put forward by the bilateral donors but they more or less reflect a recurring pattern.

#### (iii) Set-Up of WFP Algeria

9. The WFP Algeria operation consists of an office in the capital Algiers and a sub-office in Tindouf which is approximately 1,800 km from Algiers. The only CO programme is the refugee operation. The refugees are based in four main camps near Rabouni which is approximately 23 km from Tindouf. There is a Government checkpoint on the road in between Tindouf and Rabouni which marks the unofficial "border" between Algeria and the refugee's territory. WFP commodities arrive at the Port of Oran and are transported by road to the warehouse in Rabouni.
10. There are 8 national staff and the Country Director based in the CO in Algiers. The CD, Mr. Mamadou Mbuye, took up his assignment in August 2004 although he was not officially accredited by the Government until January 2005. The sub-office in Tindouf (SO) has up until recently been staffed by a Programme Officer (P3), Programme Assistant (G-6), Logistics Assistant (G-6), and a driver. Recently the staffing of the SO was enhanced with the addition of a Logistics Officer (P3), 2 x Food Aid Monitors (G-5) and two drivers..

#### (iv) Oversight Visits to the CO

11. The most recent internal audit was conducted in 1997. A further audit was planned to take place in 2005 but was obviated by the inspection. A mid-term self evaluation of PRRO 2002/0 was conducted in September 2003. This covered the 12 month period to August 2003. OEDG has not conducted an evaluation of any of the PRROs.

(v) Implementing Partner

12. The CO has appointed Croissant-Rouge Algérien (CRA) as the CO's implementing partner. This is stipulated in the agreement between the CO and the Government of Algeria. CRA implements the logistics of the PRRO from the Port all the way through to the beneficiaries. WFP pays CRA an amount of Dz5, 877 per MT - approximately \$82 per MT. The import of food is consigned to CRA apparently due to the fact that only CRA are allowed to import on a duty free basis. (Neither WFP nor any other UN agency are apparently recognised as duty free importers).
13. CRA is also the sole implementing partner for the logistics food chain for ECHO and the bilateral donors as well as being the implementing partner for UNHCR for secondary transport from the EDP and final distribution. The inspection mission was unable to determine if the amounts paid to CRA by WFP, UNHCR, and NGO's represented a uniform rate since the basis for the rates differs between each entity. For example, according to CRA, UNHCR pay CRA for specific expenses incurred such as office rent and salaries of certain staff while some NGO's apparently pay per truck delivered and ECHO pay the actual cost of transport plus Euro 12/MT.
14. Food is transported by truck to the EDP warehouse in Rabouni. From this point onwards, CRA sub-contract to Croissant-Rouge Saharaoui (CRS) for warehousing, secondary transport, and distribution. Thus, WFP has a contractual relationship with CRA but not with CRS. CRS is staffed by the refugees. Thus, the warehouse management, secondary transport, and food distribution are all managed and operated by beneficiaries. OSDI considers this an undesirable state of affairs due to the potential for conflict of interest and recommends that the CO find an alternative solution in order to improve transparency and accountability.
15. At the time of the OSDI mission, there was still no formal agreement between the CO and CRA and between the CO and the Government - both had expired when the previous PRRO ended on 31 August 2004. There has never been a country level agreement between WFP and UNHCR (although a draft has been prepared by the CO). OSDI also consider this an undesirable state of affairs and recommends that the CO rectify this as soon as possible.

(vi) Micronutrient Survey

16. In February-March 2005, a Micronutrient status survey was performed in the refugee camps. The results showed that there has been quite a large increase in anemia rates in both women and children. The report only highlights the need to improve the quality of the food basket. PDPN have requested a more in depth analysis of the causes for this increase.

**II. INSPECTION MISSION**

17. The inspection took place in Algeria from 3 to 17 March inclusive with follow-up work being conducted at HQ thereafter. OSDI visited the CO in Algiers, the port of Oran, the SC in Tindouf, the warehouse in Rabouni, and the refugee camps. The OSDI mission took place at the same time as a review mission from the Office of Inspector General (OIG) UNHCR. The OSDI and OIG missions were independent but coordinated and had on areas of overlapping interest was shared.

18. The purpose of the inspection was to review WFP operations to determine if there were weaknesses which might enable diversion of commodities. The scope was thus limited to logistics, commodity management and programming between January 2004 and February 2005 although information and data from prior years was reviewed where considered pertinent. The inspection did not include verification of numbers of refugees.

### III. FINDINGS

#### A. LOGISTICS

##### (i) Review of Transport and Logistics from Oran to Rabouni

19. COMPAS is not operational at the Port – data entry on arrivals is entered in Algiers. The CO do not have a permanent WFP presence in the port. OSDI recommends that a WFP staff member is appointed in Oran and that COMPAS becomes operational in the port. This was also recommended by the ODC Regional Logistic Officer in June 2002.

20. OSDI observed partial destuffing of containers taking place at a transporter's yard outside the port in order to comply with local legislation which prohibits road transport of loads exceeding 20MT. This partial destuffing is taking place in an uncontrolled environment and there were no waybills for the commodities leaving the port or evidence that the commodities were in the custody of CRA. OSDI recommends that the CO take corrective action.

21. OSDI reviewed a sample of seven Bills of Lading to check whether the commodities had been received in Rabouni. A total of 245 original truck waybills were reviewed by OSDI representing approximately 4,900 MT. All waybills were properly entered in COMPAS at the SO in Tindouf. The Logistics Assistant based in Tindouf collects the truck waybills as the trucks arrive at the EDP but he does not physically check the commodities on the trucks. Until February 2005, only a photocopy of the waybill was provided to the SO.

22. The transit time from Oran to the EDP should be a maximum of five days. OSDI noted that in the period January 2004 to February 2005, thirty nine trucks spent between 15 and 49 days in transit with the average of these thirty nine trucks being 25 days in transit. The list of these trucks is attached at Annex A. All trucks were transporting wheatflour which represents the majority of food transported and therefore a few trucks being delayed may not raise immediate cause for concern. OSDI recommends that the CO investigate these delays and rigorously monitor transit times in future.

23. During a visit to MSC shipping line in Oran, OSDI became aware that CRA had incurred demurrage charges of \$30,000 in 2004 with respect to containers of WFP food. A 21 day grace period is allowed by the shipping line. MSC reported that ALL containers are eventually returned to them. While such costs are not paid direct by WFP, OSDI considers that there should be no reason why CRA should incur these costs.

24. There is also no consolidated tracking system between WFP and other Donors involved with food supply to the refugees through CRA – both from Port to EDP and EDP to FDP. OSDI recommends that the CO ensure consolidation of data with other donors and Agencies.

25. WFP standard waybills are not used by CRA (nor are they used by CRS for secondary transport from the EDP) – this is in spite of a recommendation to do so in the ODC Logistic Officer's mission report in June 2002 and the printing of WFP waybills in Algeria. OSDI recommends that the CO ensure that CRA use standard WFP waybills.

26. CRA contract only two transporters, SNTR (state owned) and TMT. There appears to be no reason to limit their short-list to only two transporters. The CO has requested ODC to field a mission to Algeria to review the capacity of the local transport market and consider the feasibility of the CO assuming responsibility for logistics from the Port.

#### (ii) Warehouse Operations at the EDP in Rabouni

27. The EDP in Rabouni is owned and managed by CRS. The capacity of the warehouse is 10,355 MT. WFP has, over the past two years, incurred \$80,000 in construction of new warehouse buildings in the complex.

28. There is unrestricted access for CO staff to the warehouse. A Logistics Officer from Chad CO went on a six month TDY to Rabouni in 2003 to reorganise the warehouse and improve warehouse operations. Visits to the warehouse were also made by the Regional Logistics Officer in 2002 and 2003 and by the Chief of ODTL in 2002. In spite of these visits and their recommendations, the following weaknesses were observed, during the OSDI mission:

- The warehouse was disorganised and messy with many hundreds of containers strewn across the warehouse compound. Containers with broken doors are used as separators, making it difficult to determine at first sight which containers are used for storage and which are used as separators. This makes inspections and inventories very difficult and is also undesirable given the extremely high temperatures during the day.
- Due to the low level of stacking of bags, the warehouse capacity was not taken full advantage of. Also the stacking is not as per WFP standards, therefore making stock counting difficult.
- The warehouse is divided, in principle, into three sections: UNHCR/ Bilateral section, WFP sections and ECHO section. However, due to operational constraints, WFP food cannot always be stored in WFP section and ECHO food in ECHO section. These operational constraints include the warehouse space constraints, i.e. arriving food is stored where a free location is found and sometimes a WFP reimbursement to ECHO happens when the food is already stacked inside the warehouse, i.e. the food stacks change "owner".
- The stacks are not aligned equally making the stock counting difficult. Food is not stacked by SI but by commodity into WFP and ECHO stacks. Thus, food from the same SI is often stacked separately. Many stacks of food were lying on the ground and were not on pallets. The stacks are not built higher than 12 layers thus occupying a lot of space.

- The documentation for receipt of commodities does not take into account that WFP commodities should be tracked by SPC, WFP waybills, tally sheets, and LTI's are not used.
- Since the stock cards do not record SI numbers, there is no audit trail to enable follow-through of receipt of food in the warehouse and subsequent despatch. There is therefore a lack of transparency.
- ECHO loans, reimbursements and stock ventilation also make it difficult to track commodities.
- There were hardly any physical stock counts undertaken.
- Warehouse staff were reported to be illiterate therefore unable to complete warehouse documents. The staff were at first unable to advise OSDI whether particular stocks belonged to ECHO or WFP. The warehouse staff are unpaid – although there is an amount included in the LTSI rate for their wages.
- Despatches from the warehouse are not recorded in COMPAS. OSDI was informed that both CRA and CRS agreed to implementation of COMPAS and that the CO have the equipment available.
- There are no unloading plans for receipt of commodities; trucks are offloaded when they arrive if the CRS personnel are available. The number of trucks available for secondary distribution also varies daily.
- Deliveries to the camps are made commodity by commodity – instead of dispatching a complete food basket. This is inefficient and creates a waste of time and energy. This problem was noted in the mid-term self evaluation conducted in September 2003 and the joint WFP-UNHCR assessment mission in January 2004.

29. OSDI performed a physical stock count at the warehouse (although the results cannot be considered as completely reliable since some stocks had to be estimated due to their poor physical construction). The stock count was reconciled to CRS stock records which revealed that for all commodities counted, the actual stock count was less than the amounts reported by CRS. The differences were as follows:

WFP stock

Wheatflour – 268 MT  
Lentils 42 MT  
Veg. oil 15,875 litres

ECHO stock

Wheatflour: 345 MT  
Sugar: 104 MT  
Veg. oil 12,540 litres

30. The CO has been requested to investigate the differences. Thus, in spite of poor warehouse management, there were only relatively small differences noted in the actual stock records (approximately 2% of food distributed).

31. OSDI considers that overall warehouse management is unsatisfactory and internal controls are weak and virtually non-existent. Even in June 2002, the ODC Logistics Officer stated in his mission report "Overall the operation as it is currently implemented by the Red Crescent, in particular the poor warehouse management in Tindouf, does not meet standard WFP criteria, up to a point where it can potentially be damaging for WFP's credibility. Significant improvements are expected from the Red Crescent..."

32. The expected improvements have not taken place. Thus, OSDI recommends that the CO assume responsibility for management of the warehouse and that a new warehouse is established close to the SO in Tindouf. Pending this, the CO must bring existing warehouse arrangements up to an acceptable level. OSDI notes that the SO Logistics Officer and Logistics Assistant have recently begun to work in an office close to the warehouse which is clearly a step in the right direction.

## B. COMMODITY MANAGEMENT

### (i) Quantity of Food Distributed

33. In line with the terms of the global MoU between UNHCR and WFP, the management of food aid falls under UNHCR's responsibility as soon as it leaves the warehouse.

34. A Food Co-ordination meeting takes place in Algiers once a month consisting of representatives of WFP, UNHCR, CRA, CRS, ECHO, and the Government. During this meeting, a plan is outlined concerning the amount of food to be released from the warehouse. Based on this a food release note (FRN) is prepared. The FRN indicates where the food is to be obtained for the forthcoming month and this typically includes WFP stocks, borrowings from the ECHO buffer stock, and bilateral contributions. It was explained to OSDI that the FRN includes bilateral contributions since they contribute to the total food basket requirement of 2,100 kcal per person per day<sup>2</sup>.

35. The FRN authorises distribution to a planned caseload which amounted to 155,430 refugees in the two years up to 31 August 2004 and 158,000 refugees thereafter.

36. In the calendar year 2004, the actual amount of food programmed through the FRN in order to achieve the target of 2,100 kcalories per person per day was 32,773 MT. The actual amount which CRA reported as being distributed was 32,537 MT. We can therefore reasonably conclude that the amount of food reported to be despatched from the warehouse in 2004 was virtually sufficient to feed the planned caseload figures mentioned above.

<sup>2</sup> PRR 10172.1 presented to the EB in May 2004 stated "...to avoid duplication of resource allocations, the Executive Board agreed when approving PRR 10172.0 in May 2002 that if bilateral donors or NGO's provided basic food assistance to refugees in the camps, WFP would reduce its deliveries accordingly. The same arrangement is proposed for the expansion phase".

37. Standard project reports for 2003 and 2004 all state that the planned number of beneficiaries was met 100% in both PRRO's and the actual nutritional intake exceeded the target in both PRRO's by a small percentage. The PRRO document presented to the EB in May 2004 for PRRO 10172.1 stated: "Thanks to a combination of WFP supplied commodities, bilateral contributions and buffer stock...it has been possible to distribute a monthly food basket providing 2,100 kcal per person per day...under PRRO 10172.0, WFP has provided aid to 155,430 refugees in the camps...In 2002-2003, contributions from multilateral and bilateral sources and the availability of ECHO buffer stock enabled WFP to provide standard rations regularly."

38. The following extract from the report on the mid-term self evaluation of PRRO 10172.0 which was conducted by the CO in September 2003 and covered the twelve month period to 31 August 2003 is also relevant:

"The resource situation of the operation has been quite satisfactory as evidenced by the 99.3% attainment of the Kcals requirements set in the PRRO. The contribution of 10,000 tons of rice made by the Algerian Government has provided a breathing space to the operation until December 2003... The combination of WFP food, ECHO Plan Global food and buffer stock, bilateral donors food and better co-ordination of food distribution among the implementing partners have contributed to the meeting of the requirement target. As mentioned earlier, the rate of coverage is 99.3%...With a case load of almost double of 155,430; the current PRRO has achieved a commendable performance. By replenishing almost entirely ECHO Buffer stocks of 8,100 tons of basic food, resource mobilisation could be viewed as satisfactory if not remarkable. The PRRO has helped meet the refugees basic food requirements as the resource situation during the period covered by this evaluation has been the best since WFP started this string of operations in 1986...The Ministry of Foreign Affairs and all those who took part in the mission and/or debriefing were satisfied by the achievements of the PRRO and the improvement of the nutritional conditions of the refugees".

39. The above findings were restated by the joint WFP-UNHCR assessment mission carried out in January 2004.

40. A distribution plan is prepared by CRS for each month. OSDI reviewed the plans for virtually all months in 2004 and noted that the CRS distribution plan always matched the total planned number of refugees. The distribution plan indicated the population levels of each camp. For January to June 2004 inclusive, the population figures in each daira did not change. In July, the population varied in three of the camps but the total remained the same at 155,430. OSDI did not receive a distribution plan for August, however the plan for September showed an increase in population levels in most camps with the total number of refugees being 158,000 - the planning figure included in the PRRO which commenced on 1 September 2004.

41. The population figures in the distribution plans for September, October, and November remained unchanged whilst the figures for December showed a change in the levels in all camps but with the overall total remaining at 158,000.

42. OSDI considers it somewhat surprising that the camp population figures as per the CRS distribution plan are always exactly the same as the planned number of refugees.

(ii) Comparison of Authorised Distributions to CRA Distribution Reports

43. Each month, CRA provide a report to UNHCR showing opening stock, receipts, distributions, losses, and closing stocks ("the CRA distribution report"). UNHCR then forward this report to WFP.

44. OSDI compared the amount of food authorized for distribution by the PRN's with the amounts reported to be distributed by CRA for each month in 2004. Regarding food issued under the general distribution, OSDI found that out of 32,773 MT authorized for distribution, 32,537 was reported as distributed by CRA. Thus, a difference of 236 MT was incurred which is mostly made up of small amounts of unauthorized/excess distributions of sugar and oil. For the majority of commodities distributed; wheat/flour, rice, pasta, and lentils totaling 28,756 MT, the amount which CRA reported as distributed exactly matched the amount authorized to be distributed (one small difference of 2 MT was noted regarding lentils). Specific details are attached at Annex 2. A summary of areas where there were differences is as follows:

45. Sugar: a total of seventeen distributions were authorized during 2004 for the general distribution and the nutrition programme. For all of the twelve distributions under the general distribution, the amount which CRA reported as distributed exactly matched the amount authorized to be distributed. For four distributions under the nutrition programme the amount distributed was less than the amount authorized by a total of 43 MT whilst in another distribution, there was an unauthorized distribution of 1 MT. Thus, further releases of sugar were authorised when the amounts authorised in previous months had not been distributed.

46. Oil: a total of nineteen distributions were authorized during 2004 for the general distribution and the nutrition programme. For six of those distributions, the amount which CRA reported as distributed exactly matched the amount authorized to be distributed. For another seven distributions, the amount distributed exceeded the amount authorized. The total of these amounts is 29,033 litres. For another four distributions, the amount distributed was less than the amount authorized and this totaled 56,393 litres. Both discrepancies represent a weakness by the CO in monitoring authorised distributions against actual distributions; in particular, the authorising of further releases of oil when the authorised quantity for prior months has not been distributed. The total quantity distributed was 1,728,198 litres.

47. Dried skimmed milk (DSM): a total of thirteen distributions were made during 2004 – twelve for the complementary feeding programme and one for the nutrition programme. For eight distributions, the amount which CRA reported as distributed exactly matched the amount authorized to be distributed. These distributions were all made from WFP stock. Regarding the other five distributions, these comprised mainly unauthorized distributions from a Spanish bilateral donor who were implementing a specific project which was not monitored by the CO. The total quantity distributed was 1,442 MT.

48. Wheat soya blend (WSB): 140 MT of WSB arrived in Rabouni in September 2003 for a UNHCR administered nutrition programme. The WSB was provided by WFP. The amounts authorized to be distributed did not match the amounts reported to be distributed. In addition, 310 MT WSB was put in the general distribution in May and June 2004. It had been intended for a nutrition programme administered by UNHCR but due to the late

commencement of the programme, a reduced caseload and a short shelf life, 310 MT was put in the general distribution in May and June. Whilst OSDI agrees that it was preferable to put the WSB in the general distribution rather than wait for it to expire and written off as a total loss, OSDI believes that the inclusion of such a high value commodity in the general distribution is a waste of donor's resources as well as leading to unrealistic beneficiary expectations. The difference in FOB price between WSB and wheatflour is \$50 per metric ton therefore the additional cost of distributing 310 MT WSB instead of wheatflour amounts to \$15,500.

49. Given the weaknesses in the food distribution system, OSDI considers it surprising to note that the total quantity of food reported by CRA as distributed is almost exactly the same as the total quantity authorized to be distributed. OSDI asked CRA to produce evidence of the amounts they reported to be distributed. They were unable to do so and at first stated that they merely obtain this information from CRS by looking at their computer records once in a while. Later, the Head of CRA in Tindouf said he could provide such documents and approximately two days after the meeting with OSDI, he forwarded to OSDI a monthly stock report prepared by CRS. This stock report had mostly the same distribution data as the CRA distribution report although there were some unexplained differences.

50. Thus, OSDI endeavoured to obtain an opinion on the availability of documents to support the distribution figures reported by CRA.

### (iii) Comparison of CRA Reported Distributions to Warehouse Despatch Records

51. CRS prepare a waybill for secondary transport (locally known as "albaron"). When the truck is offloaded at the final delivery point in the camp, the head of the daira<sup>3</sup> is supposed to sign for receipt of the food. Within each daira, there are a number of groups consisting of 150 beneficiaries. Each group has a female group leader who is also supposed to sign the albaron when the food arrives. One copy of the albaron is supposed to remain with the Head of the daira whilst the other copy should be retained by the truck driver for submission to CRS.

52. The SO Programme Assistant reported that she tries to obtain the albarons from CRS and then prepares a summary of them. The Programme Assistant also advised that she has great difficulty in obtaining all the albarons and cited that the truck drivers often lose them or disregard them since they do not appreciate their significance. OSDI also ascertained from CRS that they prepare a list of the albarons but only began doing so since November 2004.

53. OSDI compared the CRA distribution reports with the albarons received by the Programme Assistant and noted the following discrepancies:

- > WPP had not received any albarons for January, August, September, and October 2004.
- Wheatflour - albarons were not available for 6,360 MT, i.e. approximately one-third of the quantity distributed.

<sup>3</sup> A daira is similar to a province within each camp - there are between four and seven dairas in each camp.

- Lentils - albarons were not available for 1,506 MT - i.e. 42% of the total quantity distributed.
- Veg. Oil - albarons were provided for only three months in 2004. Thus, albarons were not available for 1,266,000 litres of oil representing 73% of the oil distributed.
- Sugar - albarons were not available for 1,207 MT - i.e. 65% of the sugar distributed.
- Rice - albarons were not available for 2,671 MT - i.e. 45% of the rice distributed.
- Wheat soya blend - albarons were not provided for 279 MT - i.e. 60% of the wheat soya blend distributed.
- Dried skimmed milk (DSM) - albarons were not provided for 1,068 MT - i.e. 74% of the DSM distributed.

54. OSDI considers that the above findings represent a significant control weakness - the food is reported by CRA as being distributed yet the SO did not obtain proof of delivery for at least more than 50% of the commodities said to be distributed.

55. The problem is further complicated by the fact that UNHCR has responsibility for distribution yet they do not appear to be taking the lead in obtaining the albarons and checking against food distributions. The SO has assumed this role although there was minimal evidence of the SO taking follow-up action with either UNHCR, CRA or CRS regarding discrepancies. The SO do not submit information on albarons received to the CO in Algiers.

56. OSDI considers this a significant control failure and recommends that the CO ensure that UNHCR assume the responsibility for checking distributions against albarons and taking necessary follow-up action.

57. OSDI further recommends that the CO make all efforts to obtain from CRS all albarons for 2003 and 2004 and perform a comparison against reported distributions and follow-up any discrepancies.

58. OSDI managed to obtain additional albarons from CRS as follows:

- Wheatflour for September 2004 - none of the albarons obtained by OSDI had been obtained by the SO beforehand.
- Wheatflour for November 2004 - OSDI obtained albarons for an additional 260MT beyond which the SO had originally received.
- Lentils for December 2004 - OSDI obtained albarons for an additional 119 MT beyond which the SO had originally received.
- Sugar for October 2004 - none of the albarons obtained by OSDI had been obtained by the SO beforehand.
- Wheat soya blend for June 2004 - OSDI obtained albarons for an additional 45 MT beyond which the SO had originally received.

59. The net result when comparing the total of the albarons originally received by the SO plus the additional ones obtained by OSDI with the authorized distributions is as follows:

- > Wheatflour for September 2004 - no albarons to support 47 MT said to be distributed.
- > Wheatflour for November 2004 - excess of 12 MT distributed.
- > Lentils for December 2004 - excess of 5 MT distributed.
- > Sugar for October 2004 - virtually no difference in quantities.
- > Wheat soya Blend for June 2004 - excess of 10 MT distributed.

60. The above exercise illustrates that some missing albarons could be obtained from CRS thus facilitating a more accurate analysis to be performed by the CO as recommended above.

61. OSDI noted that for nine months in 2004, no albarons were obtained for oil. OSDI therefore requested all 2004 albarons from CRS. These albarons were obtained just prior to finalizing this report. OSDI has requested the CO to prepare a summary of these albarons and compare to the CRA distribution reports.

62. OSDI also reviewed all albarons for January and February 2005 and noted the following weaknesses:

- > January 2005 - out of the total of 350 albarons checked, the entire amount did not have the group leader's signature for receipt of the commodities whilst 53 did not state the quantity received.
- > February 2005 - out of the total of 316 albarons checked, the entire amount did not have the group leader's signature for receipt of the commodities whilst 30 did not state the quantity received.

63. As stated above, OSDI recommends that the CO make all efforts to obtain from CRS all albarons for 2003 and 2004 and perform a comparison against reported distributions and follow-up any discrepancies. As part of this process, the CO should verify whether the information on the albarons is complete and correct.

#### (iv) Other Observations Regarding Despatch of Food

64. CRA made an unauthorized borrowing of 158,000 litres oil from the ECHO buffer stock in January 2005. The CO found out and informed ECHO. OSDI considers this a significant control weakness and recommends that the CO monitor this closely in future.

65. The FRN for March 2005 was issued on 9 March whilst CRS had already begun distributing on 1 March. OSDI was informed that the CD gave a verbal go-ahead to the President of CRS to proceed with the distribution pending release of the FRN. OSDI concludes that this represented a control weakness and sets a poor example to CRS.

66. Several other errors and omissions were noted in CRA distribution reports. OSDI recommends that the CO request UNHCR/CRA to ensure complete and accurate reporting.

#### (v) Distribution of Food in the Dair's

67. As the Sahraoui leadership has refused to allow verification or registration of refugees, ration cards are not in use in the refugee camps. The Head of CRA informed OSDI that beneficiaries sign for receipt of food but his assertion is not correct. The refugees do not

sign (or give their thumbprint) for receipt of food. There is therefore no definitive evidence to prove whether individual beneficiaries received their food. OSDI considers this a fundamental control weakness and recommends that the CO work with UNHCR to find a solution.

63. Although secondary transport is not part of WFP's responsibility, the performance of secondary transportation was reported to be poor with an aged fleet and frequent breakdowns. This appears to be a recurrent bottleneck to the operations and is part of the reason why distribution takes so long – up to four weeks. Notwithstanding this, the excessive distribution period is a cause for concern since three of the refugee camps are situated no more than 50 kilometres from the EDP and the fourth is only 160 km away. OSDI considers this a significant control failure which could enable food diversion and recommends the CO address the issue with UNHCR.

64. OSDI and UNHCR's senior investigator visited two refugee camps and interviewed refugees and attended food distributions. All refugees interviewed knew the amount of their ration entitlement although they did not appear to know the name of the donor. Only one refugee interviewed said that she thought the food came from ECHO. Another claimed it was from the Polisario. WFP's name and logo could not be seen in any of the camps visited. Whilst the refugees claimed they received the food every month, they also claimed the rations were insufficient.

70. Up until January 2005, the food distributions were undertaken on a monthly basis starting from the 20th of the month. Since then, the distributions have begun on the 1st of each month. Deliveries to the camps are made commodity by commodity – instead of dispatching a complete food basket. This is inefficient and creates a waste of time and energy. The refugees stated that they were informed about distributions about one hour before they took place by way of loudspeaker. OSDI observed the following from the distributions:

- The food was simply offloaded from the trucks and stacked in the open air – there was no FDP.
- There were no weighing scales in use, although the refugees interviewed claimed they could easily estimate the total amount.
- Each district within the camp (daira) is sub-divided into groups of individuals. Each group has 150 refugees with one "open" group which has less than 150. Each group is headed by a group leader who is always a woman. The group leader receives the food from the Head of the daira for all of the refugees in her group.
- At the place of distribution, the group leader sub-divides the food amongst members of her group. It was reported to OSDI that if a family is unable to attend the distribution, the group leader keeps the food until she can collect it.
- It was also reported to OSDI that the families are closely knitted and the solidarity which exists among the refugees ensures that no one is left out.

71. There is an office within each Daira- "the distribution office" in which is kept all the documents pertaining to the groups and the distributions. A document called "Distribucion de Alimentos" indicates the population of each daira and the quantity of food distributed is based on this document. There are also documents posted on the walls of the distribution offices which indicate the names of the group leaders and the numbers of beneficiaries

attached to their groups. It would be possible to perform a reconciliation between the total quantity sent to each daira as per the truck albarans and the total amount of food distributed according to the "distribucion de alimentos". This would require a significant investment of time.

### C. MONITORING

72. UNHCR is responsible for distribution monitoring. It was reported to OSDI that UNHCR have not conducted any distribution monitoring in Algeria since 2001. The division of responsibilities concerning monitoring should be included in a country level agreement between UNHCR and WFP but unfortunately there has never been such an agreement (although UNHCR have not expressly abdicated responsibility for monitoring). This is a major weakness which must be addressed.

73. However, regular WFP "verification" monitoring and reporting only commenced in the camps in February 2005 (2 x FAM's were recruited in January 2005). In 2004, there is evidence of only 11 monitoring visits. Monitoring records for 2003 are virtually non-existent. OSDI considers that the amount of distribution monitoring by both UNHCR and verification by WFP has been unacceptably low. OSDI considers this as a fundamental control weakness of UNHCR and recommends that the CO work with UNHCR to find a solution. The CO must ensure that this situation is reversed. This situation was found all the more unacceptable given the following statements:

- The project document for PRRO 10172.1 presented to the Executive Board in May 2004 stated: "WFP will monitor food movements by tracking deliveries and distribution. It will pay particular attention to the end-use of its commodities and prepare a consolidated report in consultation with implementing partners. WFP will regularly oversee food distribution in the four camps. In accordance with the memorandum of understanding between UNHCR and WFP, both agencies will jointly monitor operational activities. They will continue to adopt the direct and random beneficiary contact approach to ascertain whether beneficiaries have received their food entitlement..."
- Regarding a meeting between representatives of ECHO, UNHCR, and WFP which took place in Tindouf in September 2004, it was reported in the notes of the meeting "Regarding monitoring, ECHO wanted to know how WFP carries out its monitoring activities in the camps. The reply was that monitoring is done on a weekly basis for both food distribution and post delivery monitoring"
- The 2003 SPR stated: "Post-delivery monitoring is carried out regularly through random beneficiary contact" The SPR for 2004 for both PRRO 10172.0 and 10172.1 stated: "Distribution and post-delivery monitoring is regularly carried out through random beneficiary interviews and household visits"

74. Furthermore, it is stated in the PRRO document: "women will head all the food distribution committee at the district and neighbourhood level and will be present during all the period of distribution, usually lasting about ten days in each camp. These women will fill in monitoring forms on the commodities distributed, any losses and the number of beneficiaries actually reached" OSDI did not find any evidence that the completion of the monitoring forms was taking place. This was also reported in the mid-term self evaluation of the previous PRRO in September 2003 and the joint WFP-UNHCR assessment mission in January 2004.

75. Staff in the SO reported that one of the major obstacles to conducting monitoring is that they do not have unrestricted access to the camps. However, UNHCR staff do have unrestricted access. CSDI recommends that the CO ensure that CO staff have free and easy access to the camps at all times.

76. The sub-office in Tindouf (SO) has up until recently been staffed by a Programme Officer (P3), Programme Assistant (G-5), Logistics Assistant (G-5), and a driver. Recently the staffing of the SO was enhanced with the addition of a Logistics Officer (P3), 2 x Food Aid Monitors (G-5) and two drivers. The two Food Aid Monitors are male and it is not clear why the CO did not comply with WFP gender policy in that at least 75% of local food aid monitor recruits should be qualified women.

77. SO staff reported the following factors preventing them from carrying out monitoring in the camps:

- > CRS do not provide a daily distribution plan.
- > SO staff are only allowed to perform monitoring in camps if they are accompanied by staff members from CRA and CRS and this is often difficult to arrange. OSDI considers this undesirable - WFP monitoring must take place independently.
- > CRS do not permit SO staff to complete checklists in the camps but do allow them to take notes - again the CO should rectify this.
- > Insufficient number of SO staff.
- > Insufficient number of SO vehicles.

78. The current CD visited Tindouf on only one occasion since he became CD in August 2004. His visit to Tindouf took place in January 2005. The CD cites the reason for this being that he was not able to present his credentials to the Minister of Foreign Affairs until January 2005. OSDI considers this excuse as unsatisfactory given that the CD could still travel and review the CO operations without being accredited by the Government. In addition, the refugee operation is the only CO operation and therefore merits the immediate attention of the CD upon taking up his assignment. OSDI recommends that the CD visit the SO, camps and warehouse more frequently and at least on a monthly basis.

79. The previous CD only visited the SO on five occasions in the period from March 2003 to June 2004 for a total of 21 days. Again, the number of visits and duration of time spent at the SO was inadequate.

#### IV. RATING

Number of Findings by Functional Area and Risk Severity

Functional Area	Merits	Significant	Fundamental	Total
	Attention			
General		1		1
Logistics - Warehouse	27	4		31
Commodity Management	14	5		19
Monitoring	2	3		5
<b>TOTAL</b>	<b>43</b>	<b>13</b>	<b>0</b>	<b>56</b>



Inspector General's Office / Investigation Unit  
Bureau de l'Inspecteur Général / Unité des enquêtes

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the Inspector General's Office.*

*Inquiry Report*

*INQ/04/005*

Geneva, Switzerland, 12 May 2005

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I. INTRODUCTION

1. UNHCR's Inspector-General's Office (IGO) was contacted at the end of September 2004 by the Office Européen de Lutte Anti-Fraude (OLAF) who informed the IGO that OLAF was conducting a large-scale investigation into allegations of diversion of ECHO food aid and non food items (NFI) destined for Sahrawi refugees in Tindouf, Algeria. According to various protected sources, food and NFI were being diverted at the Port of Oran, en route to Tindouf and after arrival at the Rabouni warehouse in Tindouf, and were then transported to parts of Algeria, Mauritania and Western Sahara. Again according to OLAF, those responsible for the diversion of humanitarian aid were Algerian and Sahrawi nationals working for NGOs such as the Algerian Red Crescent Society (CRA) and the Sahrawi Red Crescent Society (CRS).

2. As there were no allegations of misconduct by UNHCR staff, the IGO considered that these allegations did not fall within the investigative competence of the IGO. However, in accordance with paragraphs 6.2 and 6.3 of IOM/FOM 65 of 2003, the case was registered as an inquiry (INQ/04/005).

3. The OLAF report to UNHCR coincided with statements by the Moroccan Ambassador during ExCom 2004 about the numbers of Sahrawi refugees in the Tindouf camps and reiterating requests for the refugee population to be registered<sup>1</sup>.

4. The IGO initiated the inquiry by collecting and analysing available documentation on this issue.

5. On 8 December 2004, a meeting between OLAF, WFP (Office of the Inspector General - OSDI), and UNHCR (IGO) was organised in Geneva. The purpose of the meeting was for the three organisations to share information on the allegations, and the refugee operation in Algeria. Since 2000, the UNHCR/WFP assistance programme to Sahrawi refugees in the Tindouf area has been implemented on the basis of 155,430 beneficiaries. However, it is important to note that no registration of the Sahrawi refugee population has ever been undertaken (see below for more information on this).

6. During the meeting, OLAF provided a satellite imagery report commissioned from the European Commission Joint Research Centre, Institute for the Protection and Security of the Citizen, which, according to them, endorsed the view that the population of Sahrawi refugees in the area surrounding Tindouf was around 91,000 (with a margin of error of 7,000)<sup>2</sup>.

7. It was agreed at the 8 December meeting that UNHCR and WFP would undertake a joint fact-finding mission to Algeria in early 2005 to identify possible vulnerabilities in the food distribution system. In the meantime, OLAF would provide copies of the testimonies it had so far received on the allegations of diversion of food aid, and would begin their investigation into the tender process and the dispatch of food to Oran port.

<sup>1</sup> Déclaration de M Omar Hilale, Ambassadeur, Représentant Permanent du Royaume du Maroc, 31e Réunion du Comité Permanent du HCR, 23 septembre 2004.

<sup>2</sup> European Commission Directorate General JRC, Institute for the Protection and Security of the Citizen Support to External Security Unit, Estimation of population in refugee camps in Western Sahara [sic], a Study in support of OLAF, September 2004.

8. The joint WFP/UNHCR mission to Algeria took place from 5-12 March 2005, and its findings are outlined below. A follow-up meeting took place between the IGO offices of WFP and UNHCR in Rome on 20 April 2005. Agreed recommendations are also included as part of this report.

## II. METHODOLOGY

9. As noted above, the IGO initiated this inquiry in accordance with paragraph 6.2 of IOM/FOM 65 of 2003. As well as meeting with other concerned entities (namely OLAF and WFP), the IGO undertook research into the UNHCR archives, internet searches into publicly available documentation, and a field mission to Tindouf where IGO met with UNHCR and WFP field staff, CRA and CRS staff and refugees in three of the four refugee camps.

10. The IGO notes that the conduct of this inquiry did not always run smoothly. In particular, the planned IGO mission to Tindouf encountered several obstacles, and was almost postponed on several occasions. The mission was eventually allowed to go ahead, but its scope was limited to looking into the food distribution system in place.

11. The IGO would like to thank all staff of UNHCR SO Tindouf as well as the Representative in Algiers for their cooperation during the inquiry mission.

## III. THE ISSUE OF REGISTRATION OF SAHRAWI REFUGEES IN ALGERIA

12. The issue of the numbers of Sahrawi refugees is a contentious one, intrinsically linked to the political goals of both Morocco and the Polisario. In fact, a background note on the question of registration of the "Sahrawi refugees" forwarded to the UN Secretary General in February 1977 from the then High Commissioner indicated "*that the number and origin of Sahrawi refugees in the Tindouf area has become, by the nature of things, the central point on which may hinge the ultimate solution of the problem of Western Sahara*".

13. Currently, as in the past, UNHCR and WFP are working with the numbers provided by the Algerian Government. From year 2000 – September 2004, this was 155,430 refugees, however since September 2004 the figure has been increased to 158,000.

14. No registration exercise of Sahrawi refugees has ever taken place, and UNHCR has continuously relied on figures provided by the Algerian Government<sup>3</sup>. Throughout the existence of this operation, the reliability of these figures has continually been questioned.

15. The influx of Sahrawis into the Tindouf area of Algeria first occurred in late 1975. At the time, the Algerian local authorities referred to 20,000 persons (although a UNHCR mission in December 1975 thought the real number was probably lower: around 12,000). In March 1976, following a new influx into Algeria, the Algerian authorities and the CRA appealed for funds for the Sahrawi refugee population using the new figure of 45,000. In November 1976, the figure of Sahrawis appeared to have increased to 50,000 and in January 1977, WFP announced the provision of food aid for 50,000 refugees on a "working basis".

<sup>3</sup> See Annex 1 for a chronology of discussions on the question of figures and registration of Sahrawi refugees. In 1975-1977, the Algerian authorities repeatedly claimed that they were using the figures as estimated by UNHCR field missions.

16. During this same period (1975-1982), the question of the number of Sahrawi refugees in Algeria was raised several times. It appears from the archived documentation that figures provided by CRA and the Algerian authorities tended to be higher than those estimated by UNHCR. However, UNHCR eventually accepted the Algerian authorities' figure. When WFP first began to provide food assistance for this caseload, although they accepted the estimation of 50,000 refugees, they cautioned that this was only in order to provide assistance and did not amount to an acceptance of the figure provided.

17. A letter from WFP (Mr. Vishnu Dhital) to UNHCR (Mr. Zia Rizvi) dated September 1977, specifically indicated that "*you may also wish to note that the number of refugees estimated is far from accurate and the estimate of individual family size appears to be very large. While the Algerian Red Crescent itself is providing food for an average of 50,000 persons the estimate of 70,000 appears to be highly exaggerated*".

18. As noted, the whole question of registration of this caseload was raised as early as October 1976 by the Moroccan authorities during ExCom. Interestingly, this was followed by a UNHCR internal memorandum which referred to a possible forthcoming request by the Algerian authorities for refugee registration. However, there is no record that this request was in fact ever made.

19. In February 1977, a note on the "*Question of census of Sahrawi refugees*" was prepared by UNHCR for the then Secretary-General of the UN. The note indicated that the three parties concerned with the idea of a registration exercise (Algeria, Morocco and Mauritania) of Sahrawi refugees all appeared to see some advantages to the proposal. There was no reference to the views of the Sahrawi refugees themselves. The note also mentioned the fact that UNHCR had no previous experience of conducting registration exercises.

20. In April 1977, the Secretary-General informed the High Commissioner that the Algerian authorities had agreed to a registration exercise. Subsequently, on 18 May 1977, UNHCR wrote to the Algerian Permanent Mission in Geneva with details of the proposed registration exercise, referring to the Algerian agreement with the Secretary General. There is no record of a response to this *note verbale*. In August 1977, the Moroccan Government agreed to the proposed registration exercise. That same year, during ExCom, the Algerian delegation made a statement indicating that they were considering the modalities of such an exercise. No further feedback was received from the Algerian authorities and a protected source recently told IGO that the Algerian Government was never in agreement with this proposal.

21. More recently, in 1999/2000, UNHCR undertook a pre-registration exercise for voluntary repatriation. In order to conduct this pre-registration, UNHCR relied on the MINURSO identification exercise and the documentation that those identified were given by MINURSO. According to information available on file<sup>4</sup>, the objectives of the pre-registration exercise were "*to assess the number of refugees and their immediate family members willing to repatriate to the Territory in order to participate in the referendum of self-determination and to determine [their] final destination within the Territory*".

22. In the course of this exercise, UNHCR pre-registered some 126,000 Sahrawis in the Tindouf area. However, there were concerns expressed by UNHCR Headquarters at the time the exercise was undertaken. These concerns referred to the fact that there were no

<sup>4</sup> Mission report: Pre-registration exercise in Tindouf, 9 June 2000, and exchange of emails between UNHCR Geneva and Algeria, dated 5 June 2000, on suspension of the pre-registration.

safeguards in place to avoid double registration, and that dependants were registered based only on "word of mouth of the principal applicant". In fact, the pre-registration team only saw 19,984 principal applicants and the remaining 106,213 were registered as dependants with no random family visits being undertaken to double-check the information provided by the principal applicants. Furthermore, UNHCR pre-registration lists were not checked against MINURSO provisional voter lists. It is quite possible that some family members not physically present in the refugee camps were included as part of this pre-registration exercise.

23. The 1999/2000 pre-registration exercise was not completed and UNHCR estimated that approximately 28,000 refugees had not been registered (25,000 of which formed the so-called residual "non-voter" caseload and 3,000 who did appear on the Minurso provisional voter lists but who had not been pre-registered by UNHCR before the exercise was halted).

24. This pre-registration exercise formed the basis of the new beneficiary figure of 155,000. It is worth reiterating in this context that individual family members did not have to be present for pre-registration, and that all family members who had been identified, but not necessarily only those who were present in the Tindouf refugee camps, were included. It is also important to note that concerns of possible fraud had already been expressed by UNHCR at the time of the pre-registration exercise. The figures obtained as a result of this exercise have since formed the basis of UNHCR's and WFP's continued provision of assistance to Sahrawis.

25. Altogether, as far as UNHCR records showed, there were three formal requests from UNHCR to the Algerian Government for the registration of Sahrawi refugees: 18 May 1977 (as noted above), 7 June 2003 when UNHCR sent another *note verbale* to the Ministry of Foreign Affairs in Algiers on the same matter, which remained unanswered. Finally, on 23 March 2005, during a debriefing session on the IGO mission to Tindouf, the Deputy Director of CASWANAME made a formal demarche to the Algerian Permanent Mission in Geneva on the issue of registration. The Mission's response was that the matter would have to be raised with Algiers. UNHCR indicated that a written request from UNHCR and WFP on this matter was likely to follow. On 25 April 2005, UNHCR Algiers followed this verbal request with a written request to the Algerian Ministry of Foreign Affairs asking for the registration of Sahrawi refugees in the Tindouf area. The IGO takes note of this recent initiative and emphasises that UNHCR should not compromise its registration standards when it comes to planning and carrying out this exercise.

26. The IGO would also like to point out that the non-registration of a refugee population for such a prolonged period constitutes an abnormal and unique situation in UNHCR's history. The political dimension given to the refugee numbers in this context should not be considered an acceptable obstacle, in 2005 (i.e. almost 30 years after the arrival of these refugees), to a full and standard refugee registration of persons in need of international protection and assistance.

27. Various other sources have questioned the numbers of Sahrawi refugees in Algeria. A US Committee for Refugees (USCR) report on Western Sahara<sup>5</sup> reported 80,000 refugees in Algeria. A later USCR report for Algeria<sup>6</sup> indicated that there were an estimated 165,000 Sahrawi refugees in Tindouf. The report added that USCR had previously cited 80,000 refugees and that this revised figure of 165,000 arose as a result, not of a new influx, but "after further research and an extensive site visit to North Africa to examine the plight of

<sup>5</sup> World Refugee Survey 2003 Country Report

<sup>6</sup> World Refugee Survey 2004 Country Report

Sahrawi refugees [...]. USCR is readjusting the figure to reflect the number of beneficiaries served by international humanitarian agencies".

28. It would therefore seem reasonable to conclude that the various doubts raised about the numbers of Sahrawi refugees in south-western Algeria are well-founded. The IGO would like to recommend that a full standard registration exercise (PROFILE), with DOS support, be undertaken by UNHCR in order to establish the number of refugees receiving international protection in Tindouf. Any sub-standard registration exercise, as with the 1999/2000 pre-registration exercise, would lead to new controversies on refugee figures.

29. In the event that the Algerian authorities refuse to allow the registration of Sahrawi refugees in the Tindouf area, UNHCR should seriously consider reducing without delay the beneficiary number to 90,000. This figure was mentioned by a Polisario representative, Mr. Haddad, during his early March 2005 visit to UNHCR Geneva<sup>7</sup>.

#### IV. ACCOUNTABILITY OF UNHCR'S IMPLEMENTING PARTNERS

30. UNHCR's main implementing partner in Algeria is the Algerian Red Crescent Society (CRA). Not only is the CRA responsible for receiving food and NFI at Oran Port, but it is also responsible for onward transportation to Tindouf and for various other programming activities such as supply of gas bottles to refugees, supply and maintenance of medical equipment, rehabilitation of youth centres in the refugee camps, and community services activities.

31. An audit of UNHCR's operation in Algeria took place in 2001. The audit made several observations with regard to CRA, including reference to the fact that "no reliance could be placed on [CRA's] accounting and internal control mechanism".

32. The audit also referred to the lack of methodology for allocating costs common to several donors, such as the costs of transportation, the mixing of funds from different donors in one account, the lack of monitoring reports on distribution of food and NFI and the lack of transparency with regard to the various CRA donors. WFP noted similar difficulties during their March 2005 mission and indicated that any comparison of transportation costs was extremely complex as CRA used different accounting methods for different donors.

33. During the IGO's mission to Tindouf, the IGO observed that some of these issues were still outstanding. In particular, no monitoring reports were available (see below), and clear differentiation between donors was not done. CRA explained that in practice CRS was responsible for actual distribution to beneficiaries, and CRA relied on distribution figures provided by CRS. However, no formal delegation was done between CRA and CRS, so only CRA was legally accountable to UNHCR for the correct disbursement of funds. Furthermore, as noted in paragraph 24 below, CRS has been given, through CRA, the use of a number of UNHCR trucks and other vehicles for which no right of use agreement has been signed.

34. The IGO noted that previous recommendations on these issues, including audit recommendations, have not been adequately implemented by UNHCR operational sections (more on this in the section devoted to allegations of diversion of food aid).

35. The IGO remains very concerned by the lack of clarity regarding CRA's funding, coupled with its inadequate accounting and control procedures. In their report, the auditors

<sup>7</sup> See the Note for the File on the Meeting between CASWANAME and the Frente Polisario, Geneva, 1 March 2005

had highlighted the fact that CRA was receiving funding from over 30 different donors. This situation, compounded by the lack of donor coordination, creates a significant risk of "double funding" for some projects and activities undertaken by CRA. Such a situation is frequently conducive to the development of fraud.

36. The IGO is therefore of the opinion that CASWANAME should ask CRA to provide detailed information on related inputs from all their donors, and that a comprehensive audit of CRA be undertaken.

#### V. ALLEGATIONS OF DIVERSION OF FOOD AID

37. As noted above, the main aspect of the OLAF investigation was to look into allegations of diversion of aid intended for Sahrawi refugees. It was after these allegations had been brought to the IGO's attention that it was decided that an IGO mission to Tindouf should take place with a view to looking into the food distribution mechanisms, paying particular attention to existing areas of vulnerability. The mission was conducted parallel to an ongoing WFP Inspection mission in Tindouf.

38. The mission terms of reference did not include looking into numbers of refugees or the issue of registration, although this issue is intrinsically linked to the allegations of diversion of food aid. Given that beneficiaries in the camps do appear to receive their monthly rations, if food diversion is occurring, it is likely to be at the level of the Rabouni warehouse and because the number of beneficiaries is lower than the number for whom food is provided by the international community.

39. The current food basket provided by WFP is 13.5 kg of cereals per person per month, 1 kg of sugar, 2 kg of pulses, 1 litre of oil, 0.2 g of yeast (per family), and 0.21 g of tea (over 14 yr olds only). Food is provided for 158,000 beneficiaries.

40. Most of the food basket is provided by WFP with the exception of the yeast and the tea for which UNHCR is responsible. The tea has not been distributed since sometime in 2004 due to problems with the quality of the 2004 shipment.

41. When the food arrives at Oran port, WFP, through the CRA, is responsible for the offloading of the food and its onward transportation by road to Rabouni warehouse (EDP) near Tindouf. The LTS<sup>8</sup> costs to EDP paid by WFP amount to US \$83.01 per MT. This is apparently higher than they would be were WFP to subcontract commercially, but CRA is obliged to use government transportation companies for this and rates are fixed. As part of their efforts to tighten up on weaknesses in the distribution chain, WFP will recommend that WFP takes over transport of food from the port to EDP.

42. Once the food arrives at the EDP, it becomes UNHCR's responsibility under the terms of the 2002 UNHCR/WFP global Memorandum of Understanding (MOU). The MOU provides for a local Joint Plan of Action to be elaborated spelling out the respective organisations' responsibilities, including monitoring responsibilities, within each operation. To the best of IGO's knowledge such a plan has not been agreed on for the Algeria operation, although a draft seemingly prepared by WFP Algiers was given to IGO on 20 April 2005.

43. CRA is UNHCR's implementing partner for secondary transport and maintains a presence at the Rabouni warehouse. In practice CRS manages the warehouse. CRS is not an

<sup>8</sup> Land Transport Storage and Handling

implementing partner of either UNHCR or WFP, nor does it have any formal arrangement with CRA for delegation of authority. However, as well as managing the warehouse, CRS is responsible in practice for the distribution of monthly food rations to beneficiaries, including organisation of transportation. CRS also reports on the monthly distributions to CRA.

44. It is the IGO's understanding that UNHCR and WFP have held discussions about the possibility of WFP remaining responsible for the food distribution to beneficiaries. The IGO recommends that this issue be further examined with WFP by CASWANAME.

45. UNHCR does not provide any funding to CRA for food distribution with the exception of an amount allocated for paying incentives to those responsible for loading and offloading the trucks. Fuel is donated by the Algerian Government and drivers are volunteers. Protected sources have indicated that some of these drivers in the past may have included Moroccan prisoners of war. Given the serious nature of such an allegation, UNHCR should, from now on, obtain names and details of any volunteers employed as drivers or elsewhere in the food distribution process.

46. A fleet of trucks is at the disposal of the CRS. This includes, but is not limited to, around 30 trucks provided by UNHCR (some of which are reportedly no longer in use). It should be noted that UNHCR has not signed any Right of Use agreements with CRA (or CRS) for use of the trucks. Furthermore, several interlocutors in Algeria, and WFP itself, have expressed concerns about the state of vehicles used for food distribution and the fact that their poor condition means it can take up to four weeks to complete food distribution to all camps.

47. Distribution of food in the Sahrawi refugee camps relies on the grouping method, whereby food is distributed to group leaders who are responsible for its distribution to a sub-group and then to heads of families. Group leaders are all refugee women.

48. In terms of tracking, whenever trucks leave the warehouse at Rabouni, they are provided with an "albaron" (bordereau de distribution) in two copies. Upon arrival at the specified "daira" (neighbourhood) in the refugee camp, the food is offloaded and counted, whereupon the chief of the "daira" signs the albaron, and a copy is returned to the CRS in Rabouni. The "daira" chief himself then allocates food to the group leaders. Groups are formed of 150 persons, with some "open" groups (not amounting to 150 persons). Each group leader then signs for the food received, and copies of these albarons are kept at "daira" level until the end of the year whereupon they are all transferred to CRS Rabouni. It should be noted that this system was in place and consistent in all "dairas" visited in Smara and Layun camps.

49. Refugees were interviewed by WFP / UNHCR in the camps of Layun, Smara and Dakhla. All those spoken to knew how much per person the food ration was, and reported having received it. All, however, complained about the small quantities provided and the lack of diversity, especially in recent months.

50. The IGO also observed that the UNHCR office in Tindouf did not conduct regular monitoring of food and NFI distributions. In fact, such monitoring had not taken place regularly since 2001. This appeared to be due to a number of factors including lack of personnel in Tindouf. UNHCR did not seem to have any difficulties with access to the different refugee camps and was able to proceed freely to any camp without advance notification to the Algerian authorities or to CRS. WFP on the other hand, appeared to be

much more limited in its movements and was not able to proceed to the camps without authorisation and an escort by CRS.

51. The IGO noted that the lack of regular monitoring and reporting was raised in the context of the 2001/2002 audit of UNHCR's operations in Algeria and the situation did not appear to have improved since then. Finalisation of a joint plan of action with WFP (see paragraph 32 above) needs to urgently address this issue.

52. As mentioned above, monthly food distribution figures are provided by CRS to CRA who transmits them to UNHCR (and UNHCR gives them to WFP). Consistently, the monthly figures reflect the amounts approved for distribution to the Sahrawi refugees by the monthly coordination meeting on food in Algiers. Only where there is a commodity shortage do the food distribution figures differ from those approved by the food meeting.

53. Given the existence of the albarons, it should be possible to verify the actual amount of food distributed at least to the group leader level by reviewing both the albarons for the trucks, and those of the group leaders and reconciling the two. In theory, each food commodity quantity trucked from Rabouni warehouse to each "daira" should be equal to the sum of all the "*grupo de distribucion*" albarons for the same "daira" per food commodity. If the total food quantity approved for distribution by the monthly food coordination meeting is actually distributed to refugees, the "*grupo de distribucion*" albarons should add up to that figure. If this is the case, it is likely that there are actually 158,000 refugees. If, however, a sum of the "*grupo de distribucion*" albarons is less than the amount approved by the monthly food coordination meeting, then it would seem likely that some of the food rations are being diverted and are not distributed at camp level.

54. An initial review of truck albarons for November and December 2004 for flour and lentils indicated that for both months and for both commodities, the amount accounted for in the albarons fell short of the amount reported as distributed. This could be due to missing albarons, or have another explanation: because there are not 158,000 beneficiaries in the camps, the actual amount of food distributed is less than the amount approved for distribution by the monthly coordination meeting.

55. In order to reach a decisive finding on this issue, a more comprehensive review of all albarons would be required per commodity per month, however this would be a time-consuming exercise with possibly inconclusive results given that some albarons may be missing or faked. WFP also noted that WFP staff collect the albarons from CRS however, given UNHCR responsibility for food distributions from EDP, UNHCR staff should be doing this.

56. Another issue which was looked at was the actual stock in Rabouni warehouse. The warehouse stock report indicated a total of over 9000 MT of flour as of 9 March 2005 (both WFP and ECHO buffer stock). This reconciled with WFP's own stock-keeping records. However, when a physical verification was undertaken by WFP logistics staff, on 10 March 2005, they only saw approximately 6000 MT. A second visit to the warehouse took place on 12 March and WFP was able to identify an additional 2000 MT. As of the writing of this report, WFP reported the following stocks as unaccounted for: 268 MT of flour, 42MT of lentils and 15,000 litres of oil from the WFP stock, and 243 MT of flour, 104 MT of sugar and 12,600 litres of oil from the ECHO buffer stock.

57. Both WFP and UNHCR were able to observe that many warehousing procedures were not implemented. ECHO and WFP stocks were not clearly separated, and large

quantities of, for example, flour were kept in small containers scattered throughout the warehouse area with no clear indication of quantities in a given container or of donor. WFP is addressing a number of the shortcomings identified in warehouse management through its recommendations, including a proposal to relocate the warehouse closer to Tindouf town.

58. It should be noted that many of these problems in food and NFI distribution, particularly the lack of CRA responsibility and CRS accountability are not new issues and, like the issue of registration, have permeated the operation from the beginning. For example, IGO traced a note for the file dating from 1977 and entitled "*Difficultés entre le Croissant Rouge Algérien et le HCR*". This report referred to a refusal by CRA to submit reports on the distribution of NFIs, in particular 45,000 blankets and 2,000 tons of flour destined for Sahrawi refugees.

59. Another report obtained by IGO<sup>9</sup> referred to allegations of diversion of humanitarian aid by Polisario. In particular, the report accused Polisario of diverting humanitarian assistance to support the army and to replenish the private accounts of the Polisario President's family.

60. The same report included several statements by NGO workers or others<sup>10</sup> indicating that they believed some humanitarian assistance, not limited to food items, was not reaching the designated beneficiaries. A former employee of "*Enfants réfugiés du monde*" was concerned that school supplies had not been distributed, and former Polisario cadres made similar allegations concerning other types of humanitarian assistance.

61. With regard to the allegation that humanitarian assistance was being diverted in order to supply troops, a protected source at Headquarters indicated, in March 2005, that Polisario had asked whether UNHCR would consider supplying food to combatants. Furthermore, another reliable protected source shared their view with the IGO that it was not unlikely that food aid in particular was being sent to Western Sahara to supply troops.

62. Given these numerous allegations relating to diversion of humanitarian assistance, IGO would urge that a proper registration of refugees takes place to determine the precise number of beneficiaries in order to properly plan the amounts of assistance required, and that adequate procedures be put in place to monitor the delivery of assistance.

<sup>9</sup> Maintien des réfugiés sahraouis en état de séquestration au sud de l'Algérie et détournement de l'aide humanitaire. COREFASA, undated

<sup>10</sup> Statements in above mentioned report by former staff of *Enfants réfugiés du Monde*. Danish Professor Erik Nielson Revilla, Radda Barnen, IFRC and former Polisario cadres.

## VI. CONCLUSIONS AND RECOMMENDATIONS

63. The most striking aspect of this inquiry is that many of these issues (problems with refugee numbers, lack of registration, lack of CRA accountability, lack of monitoring) arose as early as 1977 and 28 years later the same problems persist.

64. As an outcome of this inquiry, the IGO would like to make a number of recommendations for follow-up action:

- a) UNHCR should undertake a formal demarche with the Algerian authorities to register the Sahrawi population in the Tindouf camps. This issue requires CASWANAME follow-up and could be undertaken jointly with WFP. [Note: a *note verbale* was sent by BO Algiers to the Algerian Ministry of Foreign Affairs on 25 April 2005].
- b) Registration should be undertaken with DOS assistance and applying using the standard Profile registration package.
- c) If the Algerian authorities do not agree to a registration exercise taking place, UNHCR and WFP should discuss unilaterally reducing the number of beneficiaries.
- d) The operational divisions of UNHCR (CASWANAME) and WFP should continue discussions about the possibility of WFP taking over the responsibility for food distribution from EDP to beneficiary. If this proposal is not accepted by WFP, UNHCR needs to urgently strengthen the food distribution mechanisms in place from EDP to beneficiary in order to ensure that food diversions cannot easily occur at this stage of the food distribution chain.
- e) UNHCR and WFP should pursue discussions at field level with a view to developing a Joint Plan of Action clearly defining respective monitoring responsibilities.
- f) SO Tindouf should resume regular and thorough monitoring of food and NFI distributions and ensure their reports are shared with BO Algiers and CASWANAME.
- g) As part of this monitoring role, SO Tindouf should randomly undertake a reconciliation and analysis of all available albarons per food commodity for a given month, both from Rabouni to "daira" and from "daira" to group leader.
- h) In order to avoid a situation of "double-funding" of CRA, an in-depth audit of CRA by OIOS Internal Audit Service is recommended together with a request to CRA to clearly identify their other donors.
- i) The IGO recommends to the Acting High Commissioner that this report be shared, on a confidential basis, with WFP and OLAF.

65. Many of these recommendations are for follow-up by the relevant operational sections of UNHCR and/or WFP, and the IGO would like to request CASWANAME to keep the IGO informed of developments in this area.

IGO/IU

12 May 2005

## ANNEX 1

### *Chronology based on a file review of UNHCR's archived records for the "Western Sahara" operation*

**8 December 1975**

Request for UNHCR assistance sent to UNHCR by Permanent Mission of Algeria in Geneva. No numbers mentioned. UNHCR reply is sent to the Algerian authorities on 27 December 1975 (no numbers mentioned).

**14-20 December 1975**

UNHCR first evaluation mission sent to the area. Based on its findings, \$US 500.000 are transferred by UNHCR to the Algerian Red Crescent (CRA) for assistance activities. The mission report dated 21 December 1975 refers to the estimates given by the local Algerian authorities: 20.000 persons. The authors of the report consider that the number is probably lower and give an estimate of 10.000 to 12.000 persons. The report also refers to the figure used by the League of Red Cross and Red Crescent Societies, which is 20.000. The report indicates that a few hundred refugees already arrived in the area as early as 1970. A UN visiting mission who went to Tindouf area estimated the number to be 7.000 refugees in May 1975.

**27 December 1975**

Response of the HC to the Algerian Minister of Foreign Affairs indicating UNHCR's readiness to assist the competent authorities in the relief efforts.

**7 January 1976**

Draft joint appeal for funds (League of Red Cross and Red Crescent societies and ICRC) shared with UNHCR stressing that the number of refugees in Algeria is 20.000 and that some 20.000 Sahrawis are displaced in the areas controlled by the Polisario.

**21 January 1976**

Meeting at the Algerian Permanent Mission in Geneva with the CRA (Bellouane). The meeting is attended by a UNHCR staff member (Arnaout). Dr Bellouane indicated that there were 20.000 refugees in Algeria and 40.000 displaced persons in the zones controlled by the Polisario. UNHCR representative insisted that any request for support from WFP should come from the Algerian authorities, not from UNHCR, which can only assist this process.

**26 January 1976**

Meeting at UNHCR headquarters where an ICRC representative (Grand-Hauteville) declared that different governments have contested the figure of refugees used. He indicated that the Moroccan authorities had stated that according to the Spanish census, the Sahrawi population amounted to 74.000 persons and that it difficult to accept that 60.000 persons have been displaced. The CRA (Bellouane) responded that the Spanish census only related to inhabitants of cities, not villagers. Dr Bellouane also stated that many Sahrawis who been expelled by the authorities from the Canary Islands were not accounted for, nor expellees from Mauritania.

19-20 February 1976

Second evaluation mission sent by UNHCR to Tindouf to assess the scale of the new arrivals.

5 March 1976

Letter from Algerian Minister of Foreign Affairs to the UNSG stating that UNHCR had estimated during its visit to Tindouf in December 1975 the number of refugees to amount to 15.000 persons. The same letter indicates that following the deterioration of the situation, the UNHCR mission, which visited Tindouf area on 19-20 February 1976, has estimated that the number of refugees is 45.000.

8 March 1976

Cable from the Minister of Foreign Affairs of Algeria to the HC stressing that the figure of 15.000 refugees comes from an estimate of the UNHCR mission who visited the Tindouf area mid-December 1975. The same cable indicates that Mr Arnaout (UNHCR) was able to assess ("a pu le constater") that the number have gone over 45.000. On the same day, the HC replied that he wants to send a mission to Algeria to discuss the post-emergency phase with the competent Algerian authorities.

12 March 1976

An official press communiqué from the League of Red Cross and Red Crescent Societies indicates that the number of refugees has gone from 15.000 to 45.000 persons.

12 March 1976

Letter from the UNSG to the Algerian Minister of Foreign Affairs replying to his letter of 5 March 1976. The letter informs the Algerian authorities that UNHCR would like to discuss with the Algerian authorities assistance in order to plan beyond the emergency phase. The letter does not refer to a request for registration.

12 March 1976

Letter from the Algerian Ambassador in Geneva to the HC stating that: "le nombre de 45 000 réfugiés Sahraouis mentionné dans la correspondance ministérielle du 5 March 1976 n'est pas celui des autorités algériennes mais, comme vous le savez, a été constaté sur place et arrêté par la mission du HCR qui a visité plusieurs camps de réfugiés Sahraouis installés dans la région frontalière du Sahara Occidental. Quand aux estimations du Croissant Rouge Algérien, opérateur, elles sont bien plus importantes". The same letter indicates that: « il ne paraît pas indiqué pour le moment qu'une mission du HCR se rende en Algérie pour discuter les modalités techniques d'une telle procédure ». The letter does not clarify what is meant by «procédure».

March 1976

The CRA changes the number of beneficiaries from 20.000 to 45.000 persons. Following a new appeal by UNHCR on 8 April 1976, another \$US 495.806 are provided by various donors to the CRA. The appeal refers to refugees from Western Sahara and cites the figure of 45.000 persons as estimated by the League of Red Cross and Red Crescent Societies.

19-21 July 1976

Visit by the HC to Algeria.

**27 July 1976**  
The Moroccan and Mauritanian Governments sent cables to the HC expressing their wish for the repatriation of their nationals. No number cited.

**29 July 1976**  
Reply from the HC. No numbers cited.

**5 August 1976**  
Request by the Algerian Ministry of Foreign Affairs to the UN Secretary-General to ask the HC to coordinate assistance by the international community.

**7 September 1976**  
Positive reply by the UNSG.

**25 October 1976**  
New appeal by UNHCR. \$US 1.306.624 collected. The appeal does not mention the number of refugees to be assisted. These appeals do not refer to Sahrawi refugees, but to "Sahrawis in the Tindouf region", "groups of Sahrawis in the Tindouf region" or to "the humanitarian assistance programme in Tindouf region".

**October 1976**  
Request by the Moroccan delegation at UNHCR's Excom to UNHCR "de procéder à un recensement contradictoire des personnes authentiquement Sahraouies pour déterminer exactement leur nombre" (A/AC.96/CR.274).

**9 November 1976**  
Internal memorandum from Mr Arnaout to the DHC (Mace) raising the issue of the registration of the Sahrawis in Tindouf and of the legal status of these persons. The memorandum refers to a remark made by the CRA (Ben Mahmoud) suggesting that the Algerian authorities will request UNHCR to undertake a registration of the refugees. The same document indicates that the Algerian authorities (Taïbi) made such a request to UNHCR on 6 November 1976 during a visit to Geneva.

**16 November 1976**  
Request by UNHCR (Luke) to WFP to provide the food component for the assistance programme.

**22 November 1976**  
Outgoing cable by UNHCR's DHC (Mace) to WFP stating that 50.000 persons is the total caseload estimated by the Algerian authorities (80% women and children, 10% elderly, 10% men).

**26 November 1976**  
Request by the HC to WFP Executive Director to provide food assistance. The letter refers to groups of Sahrawis in Western Algeria and indicates that UNHCR has identified a group of refugees and displaced persons in need of assistance.

**5 January 1977**

First provision of food aid announced by WFP for 50.000 refugees for a period of three months. The text of the cable from WFP says: "without recognizing or rejecting Algerian Government estimate of fifty thousands refugees, this figure was used as working basis subject to review through visits to refugee areas". (The Algerian authorities had approached WFP with such a request on 5 August 1976).

**12-15 January 1977**

Visit by the HC in the camps. No numbers cited.

**17 January 1977**

Incoming cable from UNHCR representative in Algiers (Arnaout). Report on local press coverage of recent visit by HC to the camps. Local newspaper "El Moudjahid" quotes the HC as saying that assistance in forthcoming appeal has been planned for 50.000 refugees.

**25 January 1977**

Outgoing cable by the HC. Report on visit by HC to the camps on 13-14 January 2005. No numbers mentioned.

**January 1977**

The figure of above 100.000 refugees is mentioned in the Algerian press (source a WFP report).

**7 February 1977**

Confirmation by WFP of their decision of 5 January 1977. Their cable indicates that the number of beneficiaries estimated at 50.000 persons "est indiqué à titre purement indicatif, il ne constitue ni une confirmation, ni une infirmation des estimations faites par différentes sources. Le nombre des bénéficiaires sera déterminé à l'issue de visites sur le terrain que des fonctionnaires du PAM effectueront en temps opportun».

**22 February 1977**

Letter from the HC to the UNSG forwarding a background note on the question registration of the "Sahrawi refugees". The covering letter indicates that "it is my sincere hope that the proposed census of the "Sahrawi refugees" would contribute significantly towards the promotion of a satisfactory solution of the overall problem". (Philippa, please read this report and check my selection of quotes, this is a key document). The background note prepared by UNHCR indicates "that the number and origin of "Sahrawi refugees in the Tindouf area has become, by the nature of things, the central point on which may hinge the ultimate solution of the problem of Western Sahara". (You may wish to be this quote for the introduction of the report). The note claims that the figure of 50.000 refugees is based on the figures given by the country of asylum, but that the Sahrawi sources put the figure at more than 100.000 persons.

The background note indicates that the HC has been able "to identify a certain convergence of opinion regarding the desirability" of the registration among the authorities consulted in Algiers, Nouakchott and Rabat. The HC stated that both Mauritania and Morocco see the registration as an advantage to have an international body to explode the myth of high numbers. whereas Algeria would be able to show that the number is higher than what is

claimed by both Morocco and Mauritania. The background note outlines that the registration would have a two-fold objective: to determine the number of refugees and where they come from. The note recognizes that the technical modalities of such a census would have to be the subject of further discussions with the parties concerned. UNHCR thought at that time that the registration could also play a useful role in "mitigating the spirit of confrontation" prevailing in the area and in paving the way for an exchange of information on split families and lead to family reunion both ways. The background note outlines that UNHCR never conducted such a registration exercise, but that such exercise is "feasible and desirable" and that the League of Red Cross and Red Crescent Societies and ICRC could cooperate in this endeavour.

**27 February 1977**

Internal UNHCR memorandum by UNHCR (Luke) on WFP assistance to refugees in Tindouf. Extracts: "WFP emergency project for the Tindouf group was authorized largely under the pressure of UNHCR and in the spirit of otherwise excellent co-operation between our two organizations. Nevertheless, I understand that some senior WFP officials have had second thoughts and expressed the view that this particular project is a mistake. It has already created considerable difficulties for WFP and UNHCR has not shown much understanding or solidarity. It is a WFP rile, and a logical one after all, that the number of beneficiaries and the period of assistance are the basic minimum criteria needed to determine the volume of any project. Since the question of the number of the beneficiaries is politically controversial and WFP (like any other international organization) has to bear in mind its relations with all governments concerned, a compromise formula has to be devised. Our continuing obstinacy in the face of WFP's policy and regulations which, after all, are not so different from our own, could be detrimental to the excellent relations we have with WFP".

**11 March 1977**

Letter from the UNSG to the HC acknowledging the receipt of the background note on the issue of the registration prepared by UNHCR. In his letter, the UNSG states: "I concur with you in thinking that if the three governments of Algeria, Mauritania and Morocco were ready to accept the idea of a census organized by the United Nations it would certainly contribute towards the solution of the difficult situation still prevailing in the area. But the question remains are all of them ready to do so?" The UNSG ends his letter by saying that he will resume his consultations with the three parties and will try to find out whether UNHCR proposal to carry the registration "could be acceptable to them".

**27 April 1977**

Letter by the UNSG to the HC indicating that the Algerian authorities have agreed to have UNHCR conducting a registration of the refugees comparing data collected in Tindouf and the 1974 Spanish-made census records. The letter also stresses that both the Governments of Morocco and Mauritania have not formulated any objection to this registration. The letter asks the HC to take all the appropriate measures to start the registration.

**16 May 1977**

Disappearance in Algiers of UNHCR's Programme Officer in charge of the operation (Ben).

18 May 1977

*Note Verbale* sent by UNHCR to the Algerian permanent Mission in Geneva indicating that the UNSG has requested the HC to register the refugees in Tindouf region. The letter refers to an agreement given to the UNSG by the Algerian authorities for this registration. UNHCR indicates that the registration will be facilitated by "une formule d'identification des Saharouis à partir des données qui ont servi au recensement fait par l'Espagne en 1974 et qui ont été communiqués au Secrétaire général des Nations Unies". The same *Note Verbale* outlines the procedure, the human resources and the logistical support which will be used for the registration. The *Note Verbale* indicated that UNHCR wants to proceed with the registration as soon as possible and request the Algerian authorities any suggestion in this respect. No reply to this letter is available in UNHCR archives

21 May 1977

Mr Ben regains consciousness in a hospital and informs UNHCR of his location.

5 – 8 June 1977

Inquiry mission by UNHCR to clarify the circumstances of the accident of its head of operation. The detailed report concludes that the UNHCR staff member has been a victim of "an involuntary accident" and that "le silence qui s'en est suivi est le résultat d'une longue série de coïncidences malheureuses et de négligences répétées dans tous les services concernés". [Note: Although this is the report on file, a protected source informed the IGO that this was not an accurate account of the incident. According to this source, considered reliable by the IGO, Mr. Ben had been involved with two young Algerian girls whose fathers were in the police and security forces. The girls' families did not approve of Mr. Ben's activities with their daughters' and detained Mr. Ben for several days during which time his ear was cut off. Furthermore the Ministry of Foreign Affairs made it known to UNHCR that Mr. Ben's behaviour was not acceptable].

3 August 1977

The Moroccan authorities gave their agreement to the census in a letter addressed to the HC.

Excom 1977

The Algerian delegation make a statement that the on the registration of refugees. The delegation stated that "the matter was under study in respect of the manner in which it would be carried out and the purpose and context of the operation in terms of the resolutions adopted by the General Assembly. It had not been the practice of UNHCR to carry censuses. In his relations with host countries, the High Commissioner accepted the statistics submitted to him". (doc. ref not known to me).

9 September 1977

Letter from WFP (Dhital) to UNHCR (Rizvi) stating that the "number of refugees estimated is far from being accurate and the estimate of individual family size appears also to be very large. While the Algerian Red Crescent itself is providing food for an average of 50,000 persons the estimate of 70,000 persons appears to be highly exaggerated". The letter includes a report from WFP on a mission undertaken in Tindouf region between 28 February and 6 March 1977. The report includes detailed statistical information provided by the Sahrawi camp leaders. According to these camp leaders, the total number of refugees is 103,486.

**2 February 1978**

Cable from CRA (Bellouane) to HCR Geneva referring to cooperation between CRA and HCR since an exchange of letters on 10/01/77, and referring to assistance needs of Sahrawi refugees. Cable ends with a request by CRA for the removal of Arnaout (HCR Representative in Algiers). There is a reference to Mr. Arnaout's behaviour which is considered unacceptable (includes what are termed insulting remarks by Arnaout about CRA) and lack of contact between him and CRA since May 1977.

**23-30 March 1980**

NFF on a mission of J Cuenod and R Yazgi to Algeria to assess the situation, including a basic needs assessment, of Sahrawi refugees (but not to focus on eligibility or registration). NFF mentions past difficulties between UNHCR and CRA.

**19 August 1980**

Draft agreement between the Government of Algeria and UNHCR on cooperation over Sahrawi refugees in Algeria (unsigned).

**24 December 1980**

Draft sub-agreement between CRA and HCR (unsigned).

**7 October 1981**

Telex from HCR (Makonnen/Koulisher) to NY on the question of registration and the fact that UNHCR has not done this and does not consider registration an HCR activity but rather a government one. Figure mentioned in this telex refers to 50,000 Sahrawi refugees which is figure provided by Algerian authorities.

**20 October 1981**

Cable from NY to Geneva (Koulisher) requesting Geneva feedback in order to respond to the OAU query on registration of Sahrawi refugees and to get copies of Moroccan statement to ExCom.

**1 February 1982**

Cable from Djemali/Koulisher to New York regarding registration of Sahrawis, and UNHCR position on registration in general, with reference to HCR's Statute. Cable refers to information from the Algerian Government that the number of Sahrawi refugees was 150,000. Internal memorandum from Mr. Noel to the HC on "UN Assistance to the OAU Implementation Committee on W. Sahara".

**28 June 1982**

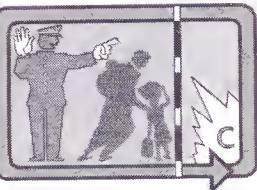
Letter to Mr. Gordon-Lennox, NY, from Mr. A Noel on same issue which noted that UNHCR would only intervene in refugee registration if the basis of registration was agreed between the Moroccan and Algerian governments and they requested UNHCR assistance.

*IU/IGO*

*12 May 2005*

## Algeria

<b>Refugees and Asylum Seekers</b>	<b>95,000</b>
Morocco	90,000
Former Palestine	4,000
<b>New Asylum Seekers Departures</b>	<b>740</b>
Unknown	
<b>1951 Convention: Yes</b>	
<b>1967 Protocol: Yes</b>	
<b>Reservations: None</b>	
<b>UNHCR Executive Committee: Yes</b>	
<b>African Refugee Convention: Yes</b>	
<b>Population: 32.8 million</b>	
<b>GDP: \$114.3 billion</b>	
<b>GDP per capita: \$3,400</b>	



### Refoulement/Physical Protection

**Refoulement/Physical Protection** There were no reports that Algeria forcibly returned refugees to their countries of origin but it deported an indeterminate number of refugees and asylum seekers registered with the Office of the UN High Commissioner for Refugees (UNHCR) to its border with Mali. Authorities ordered others they arrested to leave the country within 15 days but took no further action. Monitoring of interception measures in border areas was not possible. Algeria also deported thousands of other migrants, some of them likely asylum seekers, to Sub-Saharan Africa without a chance to apply for asylum or challenge their deportation. UNHCR's operational capacity in terms of legal assistance was limited to the capital.

The Government threatened to deport some 66 refugees, mostly from the Democratic Republic of the Congo (Congo-Kinshasa), whom it had apprehended among some 700 migrants near the Moroccan border at the end of 2005, and sought *laissez-passer* from the Congolese Government. Third countries resettled six of them.

Algeria was party to the 1951 Convention relating to the Status of Refugees (1951 Convention), its 1967 Protocol, and the 1969 Convention Governing the Specific Aspects of Refugee Problems in Africa, without reservation. The 1989 Constitution provided that in no case may a "political refugee" with the legal right of asylum be "delivered or extradited." A 1963 decree established the Bureau for the Protection of Refugees and Exiles (BAPRA) in the Ministry of Foreign Affairs and called for an appellate board consisting of representatives of various ministries and the UNHCR but, because the authorities never requested UNHCR to designate its representative, the agency did not participate. The law required applicants to

submit appeals within one month after denial or within one week in cases of illegal entry, order of expulsion, or applicants the authorities deemed a security risk. The decree authorized BAPRA to decide cases and stipulated its recognition of those UNHCR had already recognized. The Government, however, granted asylum to only one refugee during the year, an Iraqi, and he received a three-year residence permit.

The Government recognized the Sahrawi and all 4,000 Palestinians as refugees but, as in the past, delegated virtually all other cases to UNHCR during the year. Algerian authorities told a delegation of the Office of the UN High Commissioner for Human Rights (UNHCR) that responsibility for human rights and related matters lay with the government-in-exile of the Polisario rebel group from Western Sahara, a claim the delegation rejected. More than 700 persons applied in 2006, nearly half in the last quarter, including more than 300 from Côte d'Ivoire, nearly 200 from Congo-Kinshasa, and more than a hundred from Cameroon. The number of refugees (other than Sahrawi and Palestinians) and asylum seekers with cases pending at the end of the year was nearly 1,000, mostly from Congo-Kinshasa, Côte d'Ivoire, and Cameroon in urban areas and another 200 from Mali and Niger in the countryside. According to UNHCR, "Due to various factors, such as the restoration of peace and security in the country, the brisk pace of economic growth and the restrictive asylum policies in the EU zone, Algeria is in the process of becoming an asylum country for a growing number of sub-Saharan Africans. ... Durable solutions will have to be identified to a large extent locally." The official Algerian attitude, however, was that there were no bona fide sub-Saharan refugees in the country as they either should have sought protection in a neighboring state or presented themselves to the border authorities. Authorities considered all undocumented sub-Saharan Africans to be illegal aliens.

In February, torrential rains caused flooding that injured a number of Sahrawi refugees in the remote Tindouf camps and swept away the dwellings of about 12,000 refugee families. According to UNHCR, juvenile delinquency was also becoming a problem due to a lack of activities for young people.

### Detention/Access to Courts

Algeria continued to detain 66 refugees (58 from Congo-Kinshasa, 7 from Côte d'Ivoire, and 1 from Eritrea) whom it had apprehended among some 700 migrants at the end of 2005 in the Maghnia region near the Moroccan border. It charged them with illegal entry and illegal journey in Algeria and moved them to a facility in Adrar. The Government denied UNHCR access to the facility until March 2006, whereupon a protection team from UNHCR's Geneva headquarters conducted status determinations and granted them refugee status. The Government did not inform UNHCR when it detained refu-



gees or asylum seekers. The Maghnia detainees managed to contact UNHCR themselves. They remained in detention as of April 2007.

Police arrested some 30 refugees and asylum seekers per month, generally sub-Saharan Africans, and presented them to the courts. With the help of lawyers and UNHCR's intervention, refugees and asylum seekers in Algiers challenged their own detention and generally won release. Those who authorities arrested outside the capital, however, did not have access to counsel or defense. Refugees and asylum seekers did not have access to courts to vindicate their rights as they had to avoid them for fear of arrest.

The 1963 decree empowered BAPRA to issue personal documentation to refugees. UNHCR issued some 500 "To whom it may concern" letters to asylum seekers, but was only able to do so in Algiers. The security forces respected UNHCR attestations certifying that a person is a refugee or a person of concern more than they did the letters. Security constraints left the rest of the country uncovered.

**Freedom of Movement and Residence** The Government allowed the Western Sahara rebel group, Polisario, to confine nearly a hundred thousand refugees

from the disputed Western Sahara to four camps in desolate areas outside the Tindouf military zone near the Moroccan border. According to Amnesty International, "This group of refugees does not enjoy the right to freedom of movement in Algeria....

Those refugees who manage to leave the refugee camps without being authorized to do so are often arrested by the Algerian military and returned to the Polisario authorities, with whom they cooperate closely on matters of security." Polisario checkpoints surrounded the camps, the Algerian military guarded entry into Tindouf, and the police operated checkpoints throughout the country. In May, a UNHCR delegation attempted to examine human rights conditions in the Polisario-administered camps but was unable to collect sufficient information and said closer monitoring was "indispensable."

The Polisario did allow some refugees to leave for education in Algeria and elsewhere and to tend livestock in the areas of the Western Sahara it controlled and Mauritania. It did not, however, allow members to leave with their entire families. An unknown number reportedly held Mauritanian

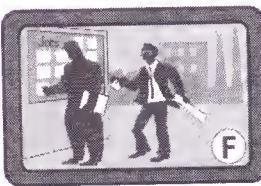


**In February, flash floods destroyed thousands of refugees' mud dwellings in the camps around Tindouf, Algeria. Unlike the 4,000 Palestinians Algeria allowed to live and work in cities, it confined the 90,000 Sahrawis to desert camps where they were completely dependent on international aid. Credit: Saharauiaik**

## Country Updates

passports and the Algerian government also issued passports to those the Polisario permitted to travel abroad.

The Government issued no international travel documents.



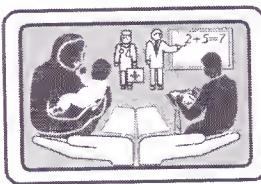
### Right to Earn a Livelihood

Algerian law severely restricted the rights of foreigners to work and made negligible exception for non-Palestinian refugees. The one refugee to whom the Government granted asylum during the year was in the process of obtaining a work permit as of March 2007.

The 1981 Employment of Foreign Workers Law and the 1983 Order of the Ministry of Labor allowed only single-employer work permits for jobs for which no national, even one abroad, was qualified. Employers had to file justifications consistent with the opinions of workers' representatives. Permits were valid for no more than two years and renewal required repetition of the same procedure. Employees could not change employers until they completed their contract and then only in exceptional circumstances after consultation with the previous employer. Violators were subject to a fine and/or imprisonment from ten days to a month. The only unskilled foreigners the law permitted to work were those with "political refugee" status.

The 1990 Labor Law, amended in 1997, incorporated the same national labor protection requirements, without exception for refugees. A 2005 decree established regional labor inspection offices to enforce laws regulating the employment of foreigners and to take action "against all forms of illegal work." According to UNHCR, Palestinian refugees had access to the labor market under a special dispensation.

Although the Constitution provided that "Any foreigner being legally on the national territory enjoys the protection of his person and his properties by the law," refugees could own moveable property only. The desert surrounding Tindouf where the guerillas confined refugees from Western Sahara supported virtually no livelihood activity except that refugees could own goats and sheep.



**Public Relief and Education** In February 2007, UNHCR and the World Food Programme (WFP) found dire conditions in the camps including anemia among pregnant and lactating women.

The refugees were entirely dependent on humanitarian aid and agencies had to cut food supplies toward the end of 2006 and had only partially restored them later. In response to the February floods, the Government sent eight army planes with 4,000 tents, 14,000 blankets, and 62 tons of food and more aid in four convoys from neighboring provinces. The European Commission donated \$1 million in flood relief. Regular aid budgets included \$21 million for the

WFP, \$3 million for UNHCR, \$2 million for operational partners, and \$860,000 for implementing partners. Algeria itself donated \$60,000 to UNHCR.

Most of the refugees in the camps around Tindouf lived in brick or mud shacks, had precarious access to health services, and could not adequately educate their children. According to WFP, about 35 percent of children under five in the Tindouf camps suffered from chronic malnutrition. An observer in late 2003 described a "system of clientelism, permitting leaders to keep a strong grip on the population. ... Everyone has to beg for the leaders' favors. These favors can consist, for example, of a medical operation abroad, studies, a job with the Polisario, the right to leave the camps, and probably economic favors as well."

The Polisario and Algerian authorities tightly controlled the activities of international aid workers and the Polisario reportedly diverted substantial amounts of aid from refugees for its own purposes. Some aid agencies distributing European Commission aid, supportive of the Polisario's political and military enterprise, did not distinguish between the organization and the refugees. The Government claimed there were about 150,000 refugees in the camp but refused to allow a registration census.

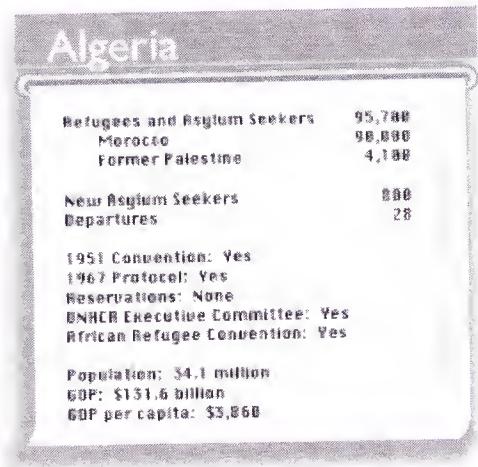
Enrollment in public schools required residence permits, which de facto and UNHCR-recognized refugees did not have. Some 21 refugee children enrolled in private schools with UNHCR paying the fees. Refugees and asylum seekers, however, did have access to free public health facilities and UNHCR paid a pharmacy to provide their medicines.

Neither the national Poverty Reduction Strategy Paper Algeria prepared for international donors, the Common Country Assessment, nor the UN's joint plan of action with the Government for 2007-2011, included refugees.

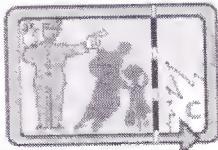
Angola	
Refugees and Asylum Seekers	15,600
Congo-Kinshasa	14,100
New Asylum Seekers	1,020
Departures	10
1951 Convention: Yes	
Reservations: Arts. 7, 8, 9, 13, 15, 17, 18, 24, and 26	
1967 Protocol: Yes	
UNHCR Executive Committee: No	
African Refugee Convention: Yes	
Population: 15.8 million	
GDP: \$43.8 billion	
GDP per Capita: \$2,780	



## World Refugee Survey - 2008



**Introduction** Algeria hosted around 95,700 refugees, mainly from the disputed Western Sahara, who sought shelter from the 1976 conflict between Morocco and the nationalist rebel group Polisario Front over the area's sovereignty. Around 4,000 Palestinian refugees lived in Algeria along with some 1,600 sub-Saharan asylum seekers with no recognition.



**Refoulement/Physical Protection** There were no reports that Algeria directly returned refugees to countries of feared persecution. In August, however, authorities deported 28 Congolese men the Office of the UN High Commissioner for Refugees (UNHCR) had recognized as refugees, even as they awaited settlement in a third country. The Government deported them after trying them for illegal entry, without giving them information about their trial or access to legal counsel. At the end of the journey to the Malian border, one man was missing and authorities left the rest in a zone of Malian rebel activity at Tinzaouatène. They remained there for two weeks without provisions until UNHCR Mali picked them up and took them to the Malian capital, Bamako, from which the United States resettled them.

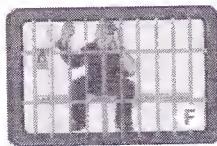
Several times during the year, Algeria conducted mass expulsions of thousands of sub-Saharan migrants and possible asylum seekers, placing them in cages aboard trucks to Mali. It did not allow them to apply for asylum or to appeal against their expulsion.

Algeria was party to the 1951 Convention relating to the Status of Refugees, its 1967 Protocol, and the 1969 Convention governing the Specific Aspects of Refugee Problems in Africa. The 1989 Constitution (amended 1996) provided that in no case may a "political refugee" with the legal right of asylum be "delivered or extradited." A 1963 Decree established the Algerian Office for Refugees and Stateless Persons (BAPRA) in the Ministry of Foreign Affairs and called for an appellate board consisting of representatives of various ministries and UNHCR, but the authorities never requested that UNHCR designate its representative. The 1963 Decree authorized BAPRA to decide cases and stipulated its recognition of those UNHCR had already recognized. In fact, the Government considered all sub-Saharan asylum seekers who entered without visas to be illegal immigrants, even if UNHCR recognized them as refugees. The number of applicants overwhelmed UNHCR's status determination process and the time between registration and interviews was over a

year in most cases and determinations were available only in the capital. The Government did recognize the Sahrawi and all 4,000 Palestinians as refugees, but did not permit UNHCR to conduct a census of the Sahrawi although it considered them to be UNHCR's sole responsibility.

In December, Al Qaeda in the Land of the Islamic Maghreb (formerly known as the Salafist Group for Preaching and Combat) bombed a bus and UNHCR's offices in Algiers, killing dozens and disrupting all activities.

Six Sahrawi former camp residents testified before the Belgian parliament that Polisario forced them to undergo military training in Tindouf and to go to Cuba for more.



**Detention/Access to Courts** On average, authorities arrested some 20 refugees and asylum seekers per month, generally for illegal entry, movement, and employment. Authorities in Algiers at least released those not charged with common crimes upon the intervention of UNHCR-paid lawyers and sentenced them within two weeks. Authorities expelled those of whose detention UNHCR was not aware to the Malian border area.

Polisario authorities maintained their own police, judiciary, and detention facilities and applied their own penal code with the acquiescence of the Government of Algeria. They detained up to 100 refugees in at least two jails, Hamdi Ba Sheikh for men, about 30 minutes' drive outside of Polisario's Rabouni headquarters and another for women, and a juvenile detention facility. Refugees interviewed in Morocco reported that authorities imprisoned one refugee for three months for expressing an interest in returning to the Moroccan-occupied Western Sahara. Polisario authorities did not allow the International Committee of the Red Cross or UNHCR to monitor the facilities but did allow Human Rights Watch to visit the facility for men outside Rabouni in November. There was also a protective center for women pregnant out of wedlock, but it was difficult to determine whether residence was voluntary, as women reportedly had to remain there indefinitely until a man agreed to marry them or their family members agreed to raise the child. UNHCR helped construct a legal library in the camps.

Polisario issued refugee identity cards to all Sahrawis over the age of 18. UNHCR issued attestation letters to nearly 1,600 refugees and asylum seekers who approached the agency in the capital but had little presence elsewhere. The letters stated that the persons were refugees or of concern to the agency. Police officers contacted UNHCR several times to verify the certificates and released the bearers upon confirmation. Under the law, refugees were eligible for three-year residence cards, but the Government did not recognize any other than the Sahrawis and the Palestinians. Other refugees and asylum seekers did not have access to courts and avoided them for fear of arrest.

Many black Sahrawis who lived in the refugee camps were slaves under Arab Sahrawi masters, whose names the slaves took. Slave women complained that judges would not allow them to marry without the permission of the male heads of the families that owned them. In May, Polisario detained two Australian documentary filmmakers for about five hours near Rabouni and confiscated their mobile phones because they were documenting slavery in the camps, but released them after UN officials intervened. A Spanish court ruled against the return of a Mauritanian Sahrawi girl to the Tindouf camps when she testified, and SOS Slaves Mauritania confirmed, that she had been a slave. Also in June, a Polisario's Ministry of Justice official formally emancipated at least one slave. In June, Polisario's

National Saharan Council ratified a new law on civil status law that modified some deficiencies in kinship and marriage cases.



**Freedom of Movement and Residence** The Government allowed Polisario to control the movements of some 90,000 Sahrawis in four isolated camps outside the Tindouf military zone near the Moroccan border. Refugees required permits from the Chiefs of *dairas* (districts within camps) to move from one *daira* to another within a camp or from camp to camp or to travel to the surrounding countryside, to Tindouf, or to Mauritania, which they generally issued. An estimated 3,500 Sahrawi

at most lived in Tindouf with Algerian passports, some of them married to Algerians. Polisario forbade return to the Moroccan-occupied Western Sahara, however, and arrested those who expressed an interest in doing so. Even so, a number managed to reach Morocco through Mauritania. To travel to Algiers, refugees needed passports from Polisario, which restricted their issuance according to criteria it did not disclose.

In the summer, Polisario guards reportedly ceased requiring all passengers on vehicles bound for Mauritania to have travel authorization papers, just the drivers. Polisario guards reportedly opened fire, however, upon at least one pair of persons attempting to cross the sand wall separating the camps from Moroccan-controlled Western Sahara. Polisario checkpoints surrounded the camps, the Algerian military guarded entry into Tindouf, and the police operated checkpoints throughout the country.

The UN Mission for the Referendum in Western Sahara facilitated more than 2,100 flights by refugees to visit family members in the Moroccan-controlled Western Sahara. Polisario also allowed some refugees to leave for education in Algeria and elsewhere and to tend livestock in the areas of the Western Sahara it controlled and in Mauritania. Nonetheless, members could not leave with their entire families. An unknown number reportedly held Mauritanian passports. The Algerian Government also issued passports to those Polisario members permitted to travel abroad but not to other refugees.



**Right to Earn a Livelihood** Algerian law severely restricted the rights of foreigners to work and made negligible exception for non-Palestinian refugees. Other refugees had no more rights than other foreigners. Their lack of status and right to work legally forced refugees into the informal sector. One with an electronic engineering degree worked as a construction worker and others turned to prostitution.

The 1981 Employment of Foreign Workers Law and the 1983 Order of the Ministry of Labor allowed only single employer work permits and then only for jobs for which no nationals, even those residing abroad, were qualified. Employers had to file justifications consistent with the opinions of workers' representatives. Permits were valid for no more than two years and renewal required repetition of the same procedure. Employees could not change employers until they completed their contract and then only in exceptional circumstances after consultation with the previous employer. Violators were subject to a fine and/or imprisonment from ten days to a month. The 1990 Labor Law reiterated these requirements, without exception for refugees. A 2005 Decree established regional labor inspection offices to enforce laws regulating the employment of foreigners and to take action "against all forms of illegal work." According to UNHCR, Palestinian refugees had access to the labor market under a special policy.

Skilled refugees and asylum seekers engaged in some self-employment but risked arrest and detention for it and enjoyed no social security or labor protections. Sahrawi refugees could work in informal businesses in the remote southwest garrison town of Tindouf, near the camps, but had to have permits to work in Algiers and elsewhere and there were no reports that any received them.

Although the Constitution provided that "Any foreigner being legally on the national territory enjoys the protection of his person and his properties by the law," refugees could own only movable property. Sahrawi refugees could own goats and sheep. Legitimate commerce and smuggling cigarettes, medicine, and humanitarian aid were a major source of revenue in the camps.



**Public Relief and Education** In February, the World Food Programme (WFP) reported that about 39 percent of children under five in the Tindouf camps suffered chronic or acute malnutrition, with the latter often undetected, and that two thirds of women of childbearing age suffered from anemia. In July, WFP did not distribute cereal rations, the source of 70 percent of the refugees' nutrition, and food was of insufficient diversity and poor quality. The Government contributed over \$200,000 in food aid in 2006 and a large amount of wheat flour during the shortage of 2007. It also supplied health services, transportation, housing, and most of the refugees' heating and cooking fuel.

The law required all humanitarian aid to go through the Algerian Red Crescent Society, which worked with its Polisario partner, the Sahrawi Red Crescent Society. The Government's refusal to allow a registration census prevented UNHCR from profiling the population for humanitarian and protection needs or monitoring aid distribution. A joint UNHCR/WFP assessment mission in January recommended a more transparent and accountable distribution system. In March, Interfaith International testified before the UN Human Rights Council that Polisario diverted and sold humanitarian aid in other countries and "spent enormous sums of money on festivals and military parades."

UNHCR was able to increase its aid to sub-Saharan refugees and asylum seekers in Algiers and they had free public health services and medicine through its implementing partner, *Rencontre et Développement*. The Palestinian refugees had integrated and did not have contact with UNHCR.

There were primary schools in the Tindouf camps for Sahrawi children, but they lacked adequate clothing for the cold winters. There were reports that families keeping slave children as domestic servants in the camp did not allow them to attend school. Algeria did not allow sub-Saharan refugees the residency permits necessary to attend classes. UNHCR, however, paid tuition for 32 to attend private schools.

The national poverty reduction strategy, including the Common Country Assessment and the UN's joint plan of action with the Government for 2007-2011, did not include refugees.